CORRESPONDENCE.

MANSFIELD, July 23, 1854.

HON. T. W. BARTLEY:

Dear Sir—The undersigned were, by resolution, appointed a Committee to solicit for publication a copy of your very able Speech on the subject of the Nebraska and Kansas law, delivered before the Democratic Convention held in this place. Allow us to say that the publication of it would be a matter of very general interest at this particular time, and, in our judgment, would do much good. We therefore hope you will avail yourself of your earliest leisure to write it out, and furnish a copy, in compliance with the request of the Convention.

With sentiments of great respect,

WILLIAM STEVENS,
MILLER MOODY,
J. W. BEEKMAN.

MANSFIELD, August 8, 1854.

GENTLEMEN:

In compliance with the flattering request of the Convention, communicated by you, I herewith furnish you with a copy of the Speech referred to in your note, which I have been unable to get time from my other engagements to write out until within a few days past.

Most respectfully your obedient servant,

T. W. BARTLEY.

To WM. STEVENS, MILLER MOODY, J. W. BEEKMAN, Esqs., Committee.

SPEECH

OF

HON. THOMAS W. BARTLEY,

ON THE SUBJECT OF

The Law to Organize the Territories of Kansas and Nebraska.

MR. PRESIDENT:

Anticipating the attendance of Senator Pugh in compliance with the invitation tendered him, I had, until yesterday morning, expected to occupy rather the position of a hearer, than that of a speaker on this occasion. It is due to Mr. Pugh, that I should say, that his attendance has been prevented by his indispensable attention to a very important law suit in which he is engaged as counsel in the city of Cincinnati.

For several years past my attention has been chiefly devoted to the investigation of legal questions, and I must confess that I do not feel as much at ease as formerly, in addressing a public assembly on political topics. Although I have not participated in the excitement of the political contests of the country, for several years past, I have not been inattentive to the investigation of the great public measures which have been brought before the people. There is nothing connected with the judicial office which I hold, which in any degree or in any manner, disfranchises me as an American citizen. And I eschew that austerity and mock dignity with which, as some vainly conceive, the ermine invests the incumbent of the Bench. I do not appear before you in the character of a political partizan. I do not come here to advance or defeat the prospects of any candidate for office; and I have no object of my own either personal or political, to accomplish. But finding great misapprehension and error prevailing, calculated to mislead the public mind, in relation to a public measure deeply affecting the safety and welfare of our national union, I deem it no less than my duty as a citizen, to contribute my feeble efforts to the discovery of truth in the investigation of the subject.

Much groundless clamour and improper excitement, as I conceive, has been raised by misrepresentations of the law for the organization of civil government in the Territories of Kansas and Nebraska. The public discussion of the subject in this region of country, has been chiefly confined to one side of the question, and through the excitement which has prevailed, the substantial reasons upon which Congress has proceeded, have been overlooked. In perusing many of the publications made on the subject, a person might well imagine himself reading some highly wrought tale or romance, which instead of pleasing images connected with this great prosperous and happy country, exhibits nothing but distorted and hideous objects,

"Gorgons, hidras and chimeras dire,"

clothing whatever it touches upon connected with this subject, in the horrid lineaments of a monster threatening disaster and ruin to this fair land of freedom. Instead of truth and historical facts, the arguments of the opponents of this measure consist mainly of appeals to prejudice and passion. The clap trap topics and phrases are "Northern doefaces," "Southern aggression," "the servility of northern politicians," "the arrogance and cruelty of the Southern slaveholder," "violations of sacred compacts," "presidential rewards for perfidy to the north," &c. &c. These are the party catch-words and artifices by which appeals are made to pride, prejudice and passion,

those three greatest sources of human error. The people in this region of country, of all political parties are opposed to negro slavery in principle and in feeling. Our prejudices against it are strong. Sectional jealousies and animosities against the Southern portion of our confederacy are easily aroused by inflammatory appeals to this popular feeling, which pervades all classes, And interested and designing politicians are insidious and adroit in the means they employ to create that excitement which shuts out the light of truth and excludes all deliberate investigation. A well meaning neighbor of mine, a few days since, when speaking erroneously of the provisions of this law, was asked if he had read it. "Read it," said he indignantly, "no sir, I never read it, and never will read any such abominable law. If any person should bring it into my house, I would burn it, if I could lay my hands upon it!" Alas! how deeply is the vanity of man humbled by the inability of human reason to contend against human prejudice? When we consider the directly opposite conclusions which are often drawn sincerely and honestly from the same premises in the cool and deliberate exercise of the human judgment, and add to the reflection, how much of the impulse of feeling is blended with the ordinary operations of our reason, where is the candid and rational man to be found, who will arrogate to himself the exclusive standard of truth and right, and arraign and condemn the motives of those who differ with him in their conclusions. The philosophy of the human mind teaches us the *sincerity* of those, who imposed the inquisitional tortures, for a difference of opinion, as well as of those who have been burned at the stake from a consciousness of the rectitude of their own opinions. Humbled by a sense of my own infirmities, and without pretension to superiority over those I see around me with whom I differ in opinion, I find myself supported and emboldened by the strong conviction of the correctness of my own opinion, standing here to submit to you the reasons for the faith that is in me. Allow me in invoking your kind attention, to entreat you to divest yourselves, as far as practicable, of those false lights of prejudice and excitement, which so often mislead and betray us in our conclusions.

Before entering upon the argument of the question, let me here premise, that I am opposed in principle to negro slavery, and in common with the people of this State generally of all political parties, believe it to be a moral political and social evil; and I will never give my sanction to any legislation by the Congress of the United States, which in any degree or in any manner tends, to extend this institution beyond its present limits, or diffuse it over a greater extent of country. The difference of opinion, therefore, which exists, is not as to the principle of negro slavery or the extension of it, but solely as to the *the mode of treating it* in the administration of the general government. And while I say this, let me be distinctly understood as disclaiming all affiliation with those short sighted and designing politicians, who are endeavoring to take advantage of the popular feeling in the free States, by appeals to our prejudices and sectional feelings, and exaggerated pictures of the cruelties of negro slavery, to build up a sectional political party and array the north against the south, heedless at least of the consequences to the safety and welfare of the country, if not in reality intending to bring about a dissolution of our national Union.

The opposition to this territorial law is founded on the provision relative to negro slavery, which embodies what is termed the principle of non-intervention by Congressional legislation. This is expressed in the 14th section of the law, and in the following language:

"It being the true intent and meaning of this act, not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the constitution of the United States; *Provided*, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of sixth March, eighteen hundred and twenty, either protecting, establishing, prohibiting, or abolishing slavery.

I maintain this doctrine of non-intervention by Congress:

1st. Because founded on one of the great fundamental principles of popular government on which our republican institutions have been established.

2d. Because it provides the most effectual practicable mode of preventing the further diffusion of negro slavery.

3d. Because it is essential to the safety and permanency of our national Union.

In support of these three propositions in their order, I shall address myself to the dispassionate exercise of your judgements, relying upon plain incontrovertible facts instead of the arts of logic, discarding all appeals to prejudice and passion. And if I fail to satisfy all who may favor me with their attention with the correctness of each of these propositions, it will be because of my inability to communicate to your minds the clear strong and abiding convictions of my own.

1. *The legislative control of every people over their own internal affairs and domestic institutions, is an essential attribute of popular sovereignty.* The relation of master and slave, like all the other private or domestic relations, is an institution of local municipal law. The regulations of the internal police, and of the descent and distribution of property are no more appropriately and exclusively the subjects of local municipal law, than the rights and incidents arising out of the relations of husband and wife, parent and child, guardian and ward, and master and slave. The legislative or law making power, is the supreme power of every State or people. In the United States a limited legislative authority is conferred upon Congress; but it is expressly confined to objects *general* and *national* in their character; and all other legislative power is reserved to the people, to be exercised through their State or Territorial legislative bodies. This high prerogative of sovereignty, therefore, which enables every people to regulate their own internal affairs and domestic institutions for themselves, belongs to the people of each State, and of each territory respectively.—No people stripped of this great birth-right of freemen, can claim to be a *free people.*

This inherent attribute of sovereignty was solemnly declared by the fathers of our republic in the American Revolution; and one of the enumerated wrongs in the declaration of independence charged against the British Governmement, was "*For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever;*" In forming the national confederacy the colonies in an especial manner, guarded themselves against any interference with the legislative power of each over its own internal affairs and domestic concerns. Virginia in her instructions to her delegates in the Continental Congress, imposed the following condition in her assent to the declaration of independence.

"Providing, that the power of forming government for, and making the regulations of the internal concerns of the Colony, be left to the respective Colonial legislatures."

The instructions of Pennsylvania contained also the following condition:

"Reserving to the people of this Colony the sole and exclusive right of regulating the internal government and police of the same."

Connecticut, New Hampshire and other colonies made similar reservations of authority. Indeed, the whole history of the origin of our national confederacy, and of the formation of the constitution of the United States, shows a marked and jealous precaution on the part of the colonies to guard themselves from any interference with the legislative control of each over its own internal affairs.

And this principle was fully carried out in the formation of the government, leaving each State in the exclusive control over its own local domestic institutions. And the doctrine of non-intervention, is nothing more than the application to the Territories of this fundamental principle, asserted by the thirteen colonies and established by the American revolution. It is certainly as clearly applicable to the

people of the Territories of this republic, as it was to the people of the colonies under Great Britian.

When our citizens emigrate to a distant territory, and there settle and form a community, the prerogative of popular sovereignty attaches to this infant state; laws become necessary for their government, "deriving," in the language of the declaration of independence, "their just powers from the consent of the governed." If deprived of the legislative authority to control their own internal and domestic affairs, they cannot claim to be a free people. The hardy pioneers who populate the new Territories, familiar with the circumstances which surround them, knowing the wants of their community, are deeply interested in, and immediately responsible for, the consequences of the institutions growing up around them. To deny to such a people this prerogative of popular sovereignty and control their local municipal laws by a legislative body thousands of miles distant having but a limited knowledge of their wants, while we profess to believe in the capacity of man for self-government, would be worse than mockery. And why give them a territorial legislature at all, if this right of popular sovereignty be not conceded?

But it is said that this territorial law does not go far enough to secure the sovereignty of the people; that this very act provides the elements of civil government for the people, and that the principal executive and judicial officers are appointed by the President of the United States with the advice and concurrence of the Senate, &c. The objection of the opponents of this law, heretofore, has been, that Congress, instead of intervening by direct legislation on the subject of Negro Slavery, has conferred full legislative control over the matter, on the people of the Territory. We learn from Chancellor Kent, that the law-making power is the supreme power of the State.—The sixth section of this law declares, that the legislative power of the Territory shall extend to all rightful subjects of legislation, consistent with the constitution of the United States, and this organic law. The law making power is fully and amply conferred. The veto of the Governor is only a qualified one, amounting to nothing more than a check upon hasty legislation. If the Governor return a bill with his objections, it may still be passed and become a law by a two-thirds vote. Some of the State constitutions require a two-thirds vote to pass laws on some subjects. If this requirement were more general, it might have a salutary check on the too frequent abuse of legislative authority. The legislative power, which is the only matter here in question, is more fully and amply conferred, than it was even claimed by the thirteen American colonies in the beginning of the revolution. If it be wrong for Congress to provide the elements of civil government for the people of the Territories, and also if it be wrong that the principal executive and judicial officers should be appointed by the President, the objection is not simply to this law, but it goes to the whole system of territorial laws since the origin of our government.—But the opponents of this law are not to be allowed to object to it because it does not go far enough to secure the sovereignty of the people, when their real objection is, that Congress has not interfered and restricted the legislative power of the people over their local domestic institutions.

It is said that the provision in relation to the right of sufferage, which is contained in the 5th section of the law is objectionable, and this has been greatly misunderstood and grossly misrepresented. The only permanent qualification prescribed for the right of sufferage and elegibility to office, is that a person shall be a citizen of the United States, or if an alien, that he shall have declared on oath, his intention to become a citizen, and taken the oath of allegiance, consisting in an oath to support the constitution of the U. S., and this organic law, standing as the constitution of civil government in the Territory, subject to this general qualification, that every free white male inhabitant above the age of twenty-one years, who shall be an actual resident of the Territory, is qualified to vote and elegible to office at the first election;

after which, such qualifications shall be prescribed by the legislative assembly.—Where is the real objection to this provision? After the first election, the people through their representatives, prescribe the qualifications. The only restriction upon this authority of the people is that the voter or person who holds an office, must be either a citizen of the U. S., or an alien who has taken the oath of allegiance. Who could in reason object to this? It is certainly liberal enough towards aliens; for they may qualify themselves for the first election the next day after arriving in the Territory. The gross misrepresentation which has given the impression to some, that citizens of the United States could not vote until they had taken an oath to support this law, or as sometimes stated, to support negro slavery, is not entitled to serious notice. And I cannot conceive, how any candid man can claim that this provision, which requires citizenship, and of an alien at least the oath of alligience, as a qualification to vote or hold office, was an invasion of the inherent sovereignty of the people, since the action of the people in their Territorial government must be in conformity to the constitution of the United States and under the protection of the general government.

Those who oppose the law have referred to the ordinance of 1787 for the government of the Territory North-west of the river Ohio, and applauded it as a paragon of excellence. This ordinance prescribes as the qualification for the right of sufferage, a property qualification of a freehold tenure in fifty acres of land in the district, and also either citizenship in one of the states and residence in the district, or two years residence in the district; and for elegibility to office, a property qualification of a freehold in two hundred acres of land, and also, citizenship of one of the states three years and residence in the district, or a residence in the district for three years.—This much praised ordinance also confers upon the governor power to convene, prorogue and dissolve the legislative assembly of the people at discretion; and further provides, that *"no bill or legislative act whatever shall be of any force without the assent of the governor,"* thus conferring upon the governor an absolute veto. How those gentlemen, who have been so extravagant in extolling this ordinance as an instrument of perfection, can reconcile with any pretence of fairness their unmeasured condemnation of this Nebraska law for illiberality and an encroachment on the people's rights, I leave for others to say. It is sufficient for me to say, that this much abused law goes further to secure to the people of the Territories, their rightful and sovereign control over their own internal affairs, and municipal laws than the former territorial laws of the U. S.; and if it does not still go far enough to guaranty fully the popular sovereignty, it is entitled to credit so far as it does really go; and it certainly bears intrinsic evidence of progress.

Let me here ask your attention for a short time, to an inquiry into the constitutional power of Congress to legislate on the subject of negro slavery in the Territories. If Congress has the constitutional power to prohibit negro slavery in the Territories, that power would authorise Congress to legislate on the subject, and in the exercise of their legislative discretion to pass laws to sanction, protect and regulate slavery. Now, as a citizen of the free states I will never concede the power to Congress to authorise, or in any manner sanction negro slavery in the Territories. The constitution contains no grant of any such power. By the 9th section of the first article of the constitution, the power is given to Congress to prohibit the importation of slaves into the states from abroad after the year 1808; and by the third clause of the second section of article fourth, persons held to service or labour in one state, escaping into another, are required to be given up to be returned. In no other part of the constitution is there any reference whatever to slaves. If in the absence of any specific grant of power, Congress can legislate on the subject of the relation of master and slave, in the Territories, they can legislate on the subject of the rights and

incidents of all the other domestic relations, the rights and incidents of private property generally, in short, make all the local municipal laws for the people of the Territories. What part of the constitution will justify such a stretch of authority by a body with but limited and strictly defined powers?

It is asserted that negro slavery is a great evil, a crime injurious in its consequences to the community at large, and therefore, Congress should legislate on the subject and prohibit it. How does this assumption prove that Congress has the constitutional power to legislate on the subject? Crime in any of its forms or grades is an evil in any State or Territory. But does this fact confer authority upon Congress to enact criminal codes for the people of the Territories? Murder is a great crime, why should Congress trust to the people of the Territories to prohibit it? Duelling is a crime in many of the States, yet in some places it is not only tolerated as a custom, but considered highly honorable. Traffic in ardent spirits, lotteries, houses of ill-fame and very many other practices, which are tolerated in some places, are in other places considered great evils highly injurious in their consequences to the community at large. Why apply the legislation of Congress to one subject because it is an evil, and not to other evils even more pernicious and dangerous in their consequences? If the people of the Territories are capable of self-government and are entrusted to make their local municipal laws generally, why make an exception of the subject of negro slavery? Does it require any higher degree of intelligence and moral worth to legislate on the subjects relating to the negro than to the white man? Or upon what reason is the distinction founded? Has Congress plenary powers to make all the local municipal laws for the people of the Territories? If not, by what provision has the constitution made the discrimination?

Let us go to the constitution and there search for this extraordinary authority. In some State constitutions *general legislative authority* is first granted, and this general authority restricted by subsequent provisions. But not so with the constitution of the United States. The legislative power vested in Congress is *expressly* confined to the specific grants enumerated in the constitution. And all powers not delegated or prohibited are *expressly* reserved to the people. And it has been repeatedly settled by the Supreme Court of the United States that Congress is a body of limited powers, which can exercise no legislative authority beyond the *express grants*, and such incidental power as may be *necessary* and *proper* for the execution of the express powers.

The provision under which Congress has heretofore exercised the power to institute civil government in the Territories, is the second clause in the 3d section of the 4th article, which is as follows: "*The Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States.*"

This does not by express grant confer legislative authority. I hold in my hand the National Intelligencer of December 29th, 1847, which contains an article of great ability on this subject said to have been written by Mr. Justice McLean, from which I will take the liberty to read a few extracts.

"In the third section of the fourth article of the constitution, it is declared, 'that Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory and other property belonging to the United States.' The power here given is limited to the regulation of property of the government, not to adopt regulations beyond the specific object of this grant. Congress is authorized 'to dispose of' the territory (land) or other property. Political power, is not, it would seem, within the grant. This is too plain to be controverted."

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"The power to institute slavery belongs exclusively to the community in which it exists. In the language of Chief Justice Taney in Grove vs. Slaughter, 15 Peters, Rep. 508, a state has a right to decide itself whether it will or will not permit slaves to be brought within its limits from another State, either for sale or any other purpose; and also to prescribe the manner and mode in which they may be introduced, and to determine their condition and treatment; and this cannot be controlled by

Congress, either by virtue of its power to regulate commerce, or by virtue of any other power conferred by the constitution of the United States."

"And in the case of Briggs vs. the Commonwealth of Pennsylvania, 16, Peters, Rep. 611, the Supreme Court, by Mr. Justice Story, says, *The state of slavery is deemed to be a mere municipal regulation founded upon and limited to the range of the territorial law.*"

"Now, there is no specific power in the constitution, which authorizes the organization of a territorial government. Such a power was given in relation to the District of Columbia, and it was equally necessary in regard to other territories. But if this power be implied from the specific power given to regulate the disposition of the public lands, it must, under the above rule, be limited to the means suitable to the end in view. If Congress go beyond this in the organization of a territorial government, they act without limitation, and may establish a monarchy.—Admit that they may organize a government which shall protect the lands purchased, and provide for the administration of Justice among the settlers, it does by no means follow that they may establish slavery. This is a relation which must be regulated by the *local sovereignty.* It is a municipal regulation of limited extent, and necessarily, of an equally limited origin. It is a domestic relation, over which the federal government can exercise no control. And, above all, the institution of slavery is not within any implication which can be drawn from the power to regulate and dispose of the public lands."

This is substantially the same ground which was taken by General Cass, in his Nicholson Letter, published in 1848, and defended by the Democracy of the whole Union in the presidential campaign of that year.

If this power "to *dispose* of and make all needful *rules* and *regulations* respecting the Territory and other property" &c., was designed to confer general powers of legislation, why was not that very important authority distinctly expressed? Why were the words "*rules* and *regulations*" carefully inserted instead of *laws* or *legislative provisions?* In reference to the District of Columbia, and the places purchased by the United States for Forts, Magazines, Dock-Yards, &c., full legislative power was conferred in the constitution by direct and specific terms. I find by reference to the Madison Papers, vol. 3, page 1353, the following proceeding in the convention which formed the constitution:

"Mr. Madison submitted, in order to be referred to the committee of Detail, the following powers, as proper to be added to those of the general Legislature:"

"*To dispose of the unappropriated lands of the United States.*

To institute temporary government for new States arising therein."

Mr. Madison's proposition also included several other propositions relating to other subjects. It appears from the report of the committee that this proposition to authorize Congress by express provision to institute temporary government for the territories, which would have conferred legislative power, was rejected, and the provision now contained in the constitution substituted.

It would seem almost superfluous to occupy your time by discussing the question, whether this grant of power, "to make rules and regulations respecting the territory and other property," was designed to confer general legislative power. The word territory is here used in connection with the words "other property," and also the grant of authority to dispose of it. All the rules of constitutional interpretation must be thrown aside, before general legislative authority over the internal affairs and domestic institutions, over all the rights of personal liberty, personal security and private property of the people of the territories, can be derived from a mere grant of authority to make rules and regulations for the disposition or management of property belonging to the United States.

But from an early period in our government, Congress has exercised the power to institute civil government in the Territories. It has never been claimed however that this has been done under any express grant of authority. But it has been claimed and exercised as a power implied or incidental to the specific power to make all needful rules and regulations for the disposition and management of the Territories of the U. S. It is said that the execution of this express power, required the survey of the territory into sections, townships, counties &c. the establishment of land offices; the encouragement and protection of settlers and purchasers of the land, and the ap-

pointment of executive and judicial officers with authority to institute the forms of civil government to protect the purchasers and settlers in the occupation of their lands, leaving them free to make and control all their municipal laws, and thus in the full exercise of their popular sovereignty in regulating their internal affairs, and local and domestic institutions generally. It is not necessary here to inquire, how far an existing necessity may have warranted the exercise of this incidental power derived from an implication, which if not too violent, at least went to the utmost stretch of implied authority. It is sufficient to say, that it has been exercised by universal acquiescence, and that the constitutional power of Congress to authorize the organization of a Territorial government in Nebraska is not made a question. But the question is, whether Congress has general legislative power to make the local municipal laws for the people of the Territory. The well settled principle of all incidental power is, that it can never be carried beyond the real necessity requisite to the proper execution of the power expressly granted. Conceding, therefore the authority of Congress to authorise the organization of a territorial government, and the appointment of executive and judicial offices to protect and aid the people in establishing themselves in a new country, the implication cannot go further, without a palpably unwarranted exercise of authority. It cannot be rationally pretended, that the necessities for the execution of the express grant could require Congress to assume general powers of legislation over the internal affairs and local institutions of the people.

If Congress can legislate on the subject of the relation between master and slave in the Territories, it is by virtue of a general authority to make and control the local municipal laws of the people. The people who emigrate and settle the new Territories, are a free people. They carry with them the elements and capacities of a free people. And when they form their community for their common good, they possess that inherent popular sovereignty which enables them to make and control their own local municipal laws, that supreme prerogative of every free people, which was asserted by the thirteen American colonies against the attempted usurpations of the British Parliament, and zealously guarded and reserved by each State in the formation of our national Confederacy. And strange as it may seem it is nevertheless true, that the democratic party are now contending against an excited and unscrupulous combination of political factions in this country, to maintain for the people of our Territories the very same great principle of self-government, a violation of which drove the colonies to take up arms against the British crown. The wrong of which the people of the colonies complained was, not that they were deprived of the selection of their executive and judicial officers, but it consisted in an interference with their sovereign right of making and controlling their own municipal laws. And this claim to popular sovereignty set up in defiance of the pretended absolute sovereignty of the British crown, was by way of ridicule, in the language of the British Tories, styled "the *backwoods buckskin hunting shirt sovereignty*," with the same spirit in which the doctrine of non intervention has been characterised as, "*squatter sovereignty*."

The people of the Territories have been said to occupy the relation to the United States, which a minor does to his parents; and that as a minor can exercise no rights until of age, the people of the Territories are not to be entrusted with civil power, until admitted into the Union as a State. There is no analogy between the two cases. The same comparison might have been made with equal accuracy as to the relation of the Colonies and Great Britian. The hardy pioneers who settle our new Territories are not infants, not minors, but full grown men, freemen both mentally and physically; and when they institute society in the western wilds, they possess all the inherent rights of a free community. They pay for the lands purchased without a surrender of their rights as freemen. Where does Congress find the authority to make them slaves by assuming all legislative control over them? Will it be claimed that Congress can exercise the supreme power of making laws for a people, without any grant of au-

thority in the constitution? Why was it that the constitution invested Congress with express general powers of legislation over the district of Columbia, and places purchased and used by the United States for Navy yards &c. and yet withheld express legislative power over the Territories. I call upon the opponents of the doctrine of non-intervention to *point out the specific grant of power in the constitution*, which authorises Congress to treat the people of the Territories as slaves or minors not as yet entitled to their freedom. It is true, that the communities formed in the Territories may not be entitled to all the honors and privileges of members of the national confederacy, yet they are not degraded or deprived of the inherent and inalienable rights of freemen.

It is said that if Congress be not allowed to exercise general legislative authority over the affairs of the people of the Territories, the institution of polygamy, which is repugnant to the moral feelings of our people generally, must be tolerated in Utah; and the people of that Territory ultimately admitted into the Union as a State on an equal footing with the other States. The local municipal laws of the people of a Territory is one thing, and legislation on the subject of the application of a Territory for admission into the Union as a State, another and very different thing. The territorial government of Utah has already been organized under the laws of 1850, on the basis of non-intervention. It does not appear that Congress was even asked to interfere with the institution of polygamy in organizing that Territory. The principle of non-intervention was then recognized so far as it regards the institution of polygamy in Utah, and that too, so far as I have learned, without objection. If Congress did not intervene to control the institution of polygamy by direct legislation in the organization of the government of Utah; why should Congress intervene and legislate on the subject of negro slavery? Why did not our free-soil friends wake up, and ask for intervention by Congress in regard to polygamy, when the Territory of Utah was about to be organized? Was it because they felt a deeper interest in a matter affecting the rights of the negro, than one affecting that of the white man? Or was it because, the want of authority by Congress to interfere with polygamy in the Territory was conceded?. The application of Utah for admission into the Union as a State will present a subject on which Congress has *express power* to legislate. It is not necessary now to undertake to determine what will be the duty of Congress on such application. Sufficient for the day, is the evil thereof. It cannot be said that Utah is lost to us, if she be not admitted into the Union as a State. That Territory now belongs to the United States and must remain so, whether admitted into the Union as a State or not.

It is said, that there is precedent for legislation by Congress on the subject of negro slavery in the Territories. This power may have been assumed in a number of instances, but it has not been the case by general acquiescence. And nothing is more certain than that unwarranted legislative authority cannot be acquired by *usurpation*, however often repeated. The institution of a bank of the United States once existed for years, and received the sanction of the supreme judicial tribunal of the U. S. Yet the continued existence of it was resisted on the ground of its unconstitutionality, untill it was finally and forever repudiated by the people of this country.

The doctrine of non-intervention by Congress on the negro slavery question was sanctioned many years ago, by an illustrious statesman now deceased, whose name inspires every true American citizen with a just pride, and whose opinion is entitled to the highest consideration. In 1844 Silas Wright, in a speech delivered at Watertown in the State of New York, thus spoke on the subject of negro slavery:

"Yet, the institution exists amoung us. It existed in our State when the Federal Constitution was formed. The Convention of '87—the wisest body of men unquestionably, that ever has assembled for civil purposes within the history of the world—made the compromises which enabled them to form the Union. Without it, the Union never would have existed. What were they? *To leave the existence, the measure, and management of slavery to each State of itself.* We most wisely and gradually, abolish

ed it with us. Other States—whether from choice or compulsion it does not become me to say—have not advanced so rapidly. But there is no one provision in that sacred instrument which I would less willingly disturb. It is to me as sacred as any of the others; and whilst *I have the power, so far as my voice and action are concerned,* THE GUARDIANSHIP AND DISPOSITION OF IT SHALL BE LEFT TO THOSE AMONG WHOM IT EXISTS, WITHOUT INTERFERENCE FROM ME. God knows, I consider it a deep enough misfortune on them; and I am not disposed to increase the evil, still, when called on [if I ever am] to extend and strengthen the institution by a measure affecting a country [Texas] out of the Union *not in it*, it is a different question; *and I should desire, as I do desire that that great question* [WHICH HAS NO BUSINESS TO BE CONNECTED WITH OUR PARTY POLITICS, AND HAD NONE AT ITS INTRODUCTION AT WASHINGTON, LEGITIMATELY, IN MY JUDGMENT]—should first be placed before the intelligent freemen of that country, discussed before them, *and decided by them.* There it is now. There I cheerfully let it rest."

And in a letter addressed to the Hon. R. H. Gillet, under the date of 13th of August 1847, nine days before his death, Mr. Wright, concurring in the principle declared in certain resolutions in favor of non-intervention, said.

"Should the United States acquire new territory, it ought in this respect (slavery) to remain in the condition in which it may be acquired, and the people thereof left to the exercise of their own wishes and judgment on the subject when admitted into the Union as a State under the constitution."

2d. *My second proposition is, that the most effectual practical mode of checking the progress of negro slavery, is to leave it to the exclusive control of the people through their local legislation, instead of relying upon the action of Congress.*

In support of this proposition, I appeal to the history of the institution in this country. What has Congress ever done, which has aided the cause of emancipation, or even tended practically to check the extension of slavery. Except the act prohibiting the importation of foreign slaves, (which, I fear, has been to much disregarded) I know of no legislation by Congress which has practically aided the friends of Emancipation. We are often referred to the prohibitory clause in the ordinance of 1787, for the government of the north-western Territory, which was adopted by the Congress under the old confederation. This may have gratified many as an abstract declaration in favor of freedom, but it has had no practical influence. No intelligent and candid man fully acquainted with the character of our people, their habits and pursuits, and our climate and productions, can hesitate in the opinion, that negro slavery could never have gained a foothold in this State, without this prohibition. And into Indiana and Illinois negro slavery was taken and existed in defiance of the ordinance. And Illinois was admitted into the Union with a constitution recognizing the existence of slavery, and providing for its gradual emancipation, but in utter disregard of the prohibition in the ordinance. A prohibitory clause was inserted in the territorial law of Oregon, but with what practical effect? The people of Oregon had instituted civil government for themselves, and unanimously prohibited negro slavery before Congress had passed this territorial law. And in open disregard of the much talked of Missouri Compromise line, (of which I shall have something to say hereafter) even the Indians purchased negro slaves and took them into Nebraska, before the white population had reached that new country. And it is said, that an anti-slavery clergyman from New England and some other gentlemen, "under peculiar circumstances," within the last few years have introduced negro slavery into Nebraska. So much for the practical effect of Congressional legislation. There has been much angry excitement, and much loss of time and expense produced by Congressional aggitation of the subject; but it has had little practical effect, except to weaken the ties of our national Union, and retard the progress of emancipation in the States, besides the great public calamity of misleading the people into the support of misguided or unprincipled and designing politicians.

Let me now turn your attention to the more gratifying results from the action of the people through their local legislation. Negro slavery existed in each of the thirteen Colonies at the beginning of the American revolution. It appears that the people of one the original States provided for the emancipation of their slaves before the adoption of the present constitution of the United States. And since that time,

the people of six more of the original States, acting through their local State sovereignty, have abolished slavery. The people of Illinois and Indiana provided for the abolition of slavery in their State constitutions. The people of Ohio, Michigan, Iowa and Wisconsin have forever prohibited slavery in their State constitutions. And notwithstanding all the clamor against the compromise of 1850 on the principle of non-intervention, the people of California unanimously prohibited slavery in their State constitution; and it is now conceded, that the people of New Mexico and Utah will never allow slavery to enter those Territories. These are the fruits of non-intervention by Congress, and the action of the people through their local sovereignty.

There was, some years ago, a strong emancipation party in Kentucky, also in Virginia, Maryland, and several other slave States; and the cause of emancipation was publicly advocated and gradually gaining ground in those States, untill the formation of the political abolition party in the free States, and the angry agitation of the subject in Congress, had crushed all its prospects. In a recent trip to Louisiana, I made some inquiry into the state of public sentiment in the slave States on the subject of this peculiar domestic relation. I found the minds of the people prejudiced and excited by a constant fear of officious intermeddling with their affairs by the people of the free States. I conversed with a highly intelligent gentleman from Kentucky, who said that he had belonged to the emancipation party in his own State, and had urged the adoption of Mr. Clay's proposition for gradual emancipation in the late remodeling of the constitution of that State; and added with much feeling, "Sir, your political abolitionism in the North, and the agitation of the subject in Congress, have crushed all the hopes of the friends of emancipation in the slave States for the present, have utterly broken up our emancipation party, produced a state of feeling which has caused it to be considered disreputable for a man to advocate emancipation, and no doubt retarded the progress of emancipation fifty, and perhaps, a hundred years in those States, where it is plainly the interest of the people that slavery should be abolished." Before *political* abolitionism had created the exciting agitation in the North, the condition of the slave had been greatly ameliorated, and as I was informed, in some of the States, the education of the slave had been provided for by legislative enactment; but that the excitement produced by the agitation in the North, had caused the repeal of the laws for the amelioration of the condition of the slave, the adoption of the most rigorous police regulations, and had riveted the chains of slavery more closely than they had ever existed before. The greater part of the abolitionists in the North are men of benevolence, sincerity, and great purity of character, but they are misguided philanthropists. They have not been aware of the great injury they have been doing to the very cause, which they have so zealously espoused. Excited and prejudiced against the people of the slave States, they have been led on by selfish artful and designing politicians, who are struggling to build up a sectional party, either heedless of all consequences or with a definite ultimate purpose of dissolving the Union of the States. There can be no doubt, but that the political movements of abolitionism in the North, and the agitation of the slave question in Congress, have deeply injured the cause of emancipation in the slave States, and retarded its progress for many years. Had it not been for these movements, there is little reason to doubt but that some effectual steps would have been taken before this time, in Kentucky, Virginia, Maryland, and probably in Missouri and Delaware, for the gradual emancipation of slavery. Emancipation is a delicate subject in the slave States, and one upon which the people are exceedingly sensitive. It touches a tie of interest, a tie intimately blended with their domestic relations, and affecting their habits, customs, and state of society. They cannot be goaded and driven into emancipation, by what they deem the officious intermeddling of the people of rival states with their local and domestic affairs. Political abolitionism in the free States, can effect *no good purpose*, but it has already, and may yet do great harm both to the condition of

the slave and the cause of emancipation. Let me here appeal to our abolition friends who are present, and for whose upright intentions I entertain a high regard, and beseech them to change the direction of their benevolent efforts. The principle of non-intervention applied by Congress to the Territories, opens a fair and extensive field for your labors, where your voices can be legitimately heard and felt in the making of laws, bearing directly on the institution of slavery. Instead of spending your time and means to get up excitement in the free States where the question of slavery is forever settled, go or send to the Territories, where there is an open field for your labors. I commend the principle of non-intervention to these gentlemen as a means of rendering their philanthropic efforts practically useful; and I must be permitted to express my astonishment at their opposition to a proposition to leave the question to the free action of the people.

The doctrine of non-intervention gives a most decided advantage to the people of the free States. It has been settled by the Supreme Court of the United States, that slavery is "*a mere municipal regulation*," and that it cannot exist in the absence of express statutary law to authorize or prohibit it. Judge McLean, in his published letter of July 28th, 1848, addressed to James A. Briggs, Reuben Hitchcock, and others, and used at the Buffalo Convention of '48, says:

"Resting upon the principles of the constitution, as they have been judicially settled, the free States, by moderation, vigilance, and firmness, may prevent the extension of slavery to the free territory lately annexed. Without the sanction of law slavery can no more exist in a territory than a man can breathe without air. Slaves are not property where they are not made so by the municipal law."

No well informed and candid man will pretend that there is any law in Kansas or Nebraska to authorise or protect negro slavery at this time. If there ever had been any French law, in Lousiana, prior to the purchase by the U. S. to authorise negro slavery, it was never extended over this country of Nebraska which was inhabited only by Indians? Or if any law of the kind ever could have reached the Nebraska country, it long since ceased to be operative. The eight section of the law for the admission of Missouri into the Union, if it ever had any validity, would have repealed any Lousiana law to authorise slavery if any had ever existed which reached this Territory. And in the repeal of the eight section of the Missouri law, it is expressly provided, that no obsolete or repealed law on the subject of slavery should be revived. If however, the eight section in the Missouri law was wholly invalid, certainly no harm was done by its repeal. Some persons have most unfairly represented this Nebraska law as a law to legislate slavery into the Territory, and as a protection to slaves taken there until there could be territorial legislation. This is without the slightest foundation in truth. This law affords no protection whatever to slavery. It simply, and in express terms, leaves the people free to authorise or prohibit slavery through their territorial legislation; and untill that legislation can take place, it provides no protection whatever for slavery. The fugitive slave law, together with all other laws of the U. S. which are applicable, is extended to these Territories, but cannot authorise or protect slavery in the Territories as has by some been supposed. The fugitive law derives its validity from the third clause of the second section, article fourth of the constitution of the U. S. and can have no other effect, and provides for nothing more than to require that fugitives from service or labor coming into these territories from other States or territories, should be given up and returned to the State or territory from which they escaped.

Slaveholders will not risk their property by taking slaves into these Territories, until a law can be passed to protect them. Slaves are expensive, costing from one thousand to two thousand dollars each. Besides the consideration, that slaves are unprofitable in a new country remote from markets, besides the fact that neither the soil, climate nor productions of these territories are adapted to slave labor, besides the great facilities which would exist, and inducements which would be held out for the slave to escape from his master, it is idle to suppose, that slaveholders will to any considera-

ble extent emigrate to these new Territories with their slaves without a law to protect them, and with almost a certainty of loosing this costly class of property as soon as a settlement in the new country could be effected. The leading statesmen of the South never contemplated such a thing, as that either Kansas or Nebraska ever would become slave States. On this subject the following pointed remarks were made by General Cass, in a speech in the U. S. Senate, delivered 20th February, 1854.

"And I was confirmed in this impression by what was said by the Senator from Tennessee [Mr. JONES,] by the Senator from Kentucky, [Mr. DIXON,] and by the Senator from North Carolina, [Mr. BADGER,] and also by the remarks which fell from the Senator from Virgina, [Mr. HUNTER,] and in which I fully concur, that the South will never derive any benefit from this measure, so far as respects the extension of slavery; for legislate as we may, no human power can ever establish it in the regions defined by these bills.

And such were the sentiments of two eminent patriots (Clay and Webster) to whose exertions we are greatly indebted for the satisfactory termination of the difficulties of 1850, and who have since passed from their labors—we may humbly hope, to their rewards. *It is excluded by a law*, to borrow the words of one of them, in which the other fully acquiesced, *superior to that which admits it elsewhere. The law of nature, of physical geography, the law of the formation of the earth. That law settles forever. with a strength beyond all terms of human enactment, that slavery cannot exist there.*

Leave the entire control of this subject, therefore, to the local legislation of the people, and there is no rational prospect of these territories ever becoming slave country. The people will see that their local law, in regard to the institutions growing up around them, are enforced and observed; while the laws of Congress originating in an authority more remote, are less likely to be observed. Hence it is, that the legislation of the people in the States and Territories has been effective in abolishing slavery, while the legislation of Congress when the authority has been assumed, has been to a great extent at least ineffectual, and very little regarded.

The great burden of the objection made to this territorial law, however, is the repeal of what has been termed, the Missouri compromise line. This is characterised as a "*violation of a solemn compact,*" a "*breach of a sacred covenant,*" "prefidy to the north, &c. Let me have a continuance of that very kind attention with which you have so much favored me, and I will soon expose the fallacy of this high flown language.

Was the eighth section of the Missouri law of the 6th March, 1820, prescribing the parallel of thirty-six degrees thirty minutes north latitude, as the line between slavery and freedom, a mere *law* or was it a *compact*? A law is a rule of action prescribed by the supreme power in the government, complete when it comes from the hands of the law maker, and not requiring the assent or ratification of any other person to give to it its efficacy. A compact or covenant is an agreement between two or more parties, the binding obligation of which depends upon the covenant of at least two parties, and a mutuality of consideration.

This Missouri law authorised the people of the Missouri Territory, within prescribed limits, to form a constitution and State government, and upon their so doing and transmitting a copy of their constitution to Congress to be admitted into the Union on an *equal footing with the original States.*" The law contains a number of provisions some of which require the action of Missouri to give them efficiency, and others independent rules of action within themselves, among the latter of which is the provision of the eighth section, which is in the following language.

"That in all that territory ceded by France to the United States under the name of Louisiana, which lies north of 36° latitude 30′ north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crime, whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited, &c.

This is a positive and unconditional provision of law. It was complete as a prohibition when enacted; and did not in terms or by implication, require the consent

or action of any party afterwards to make it operative. It was not, therefore, a compact, but a law subject to repeal in the discretion of Congress.

The sixth section of this Missouri law does in fact contain the terms of a compact but in relation to another matter. The first clause is in the following language.

"That the fallowing propositions be, and the same are hereby, offered to the convention of the said territory of Missouri, when formed, for their free acceptance or rejection, which if accepted by the convention, shall be obligatory on the United States."

Then follows five several propositions in relation to certain grants of lands to the State in trust for specified objects, and on conditions expressed, and making certain exemptions of lands from taxation. A comparison of this section with the terms of the 8th section illustrates the difference between a simple law and a compact.

But it being perfectly manifest that this provission of the 8th section does not contain the elements of a compact, it is denominated a *compromise*, a congressional *compromise*. Who are the parties to it as a compromise? A compromise must be an agreement or arrangement between distinct parties. The members of Congress acting as a legislative body cannot be said to be composed of distinct parties capable of contracting, and of enacting laws by contract with each other, Mr. Benton in his lately published book, entitled "Thirty years in the U. S. Senate," on page 344, says, on the subject of compromise legislation.

"This is a species of legislation which wears a misnoner,—which has no foundation in the constitution.—and which generally begets more mischief than it assumes to prevent," * * * * * * * * * * "All compromises or agreements, are made voluntarily by independent parties,—not imposed one upon another. They may be made by compact, not by votes. The majority cannot subject the minority to its will, except in the present decision—cannot bind future Congresses," &c.

Laws are passed by Congress by the numerical votes of the members, and not by compact or contract among the members. It is true that in a legislative body, members holding conflicting views on different subjects, may sometimes mutually yield to each other, and adopt some medium ground, or settle their differences by new propositions. This is often called a compromise. But the result of this kind of legislation creates no arrangement binding upon the people beyond the mere force of the law itself. It is very true, that this geographical line prescribed in the 8th section, has been generally denominated by politicians and newspaper publications for many years, the *compromise line between the slave-holding and the non-slaveholding States.* Some have supposed, that the conflict of opinion on the slavery question between the northern and southern States, had been settled by a majority of the representation in Congress from the free States uniting and agreeing with a majority of the representation from the slave States on this geographical line, thus forming a compromise to which each of these two sections of the Union had become a party. But how is the fact? It appears from the journals of Congress, that a majority of the representation in Congress from the free States did not agree to, or vote for, this provision in the Missouri law; and therefore, there could not have been in reality, a compromise between the two sections of the country, the law having been passed chiefly by southern votes.

But on the supposition that this was a legislative compromise, what efficacy had it? This Missouri law provided for admitting Missouri into the Union on an equal footing with the other States. After its passage, New York and several of the other free States, through their State legislatures, instructed their representatives in Congress to vote against the admission of Missouri, notwithstanding this law. And in 1821, when Missouri came forward and presented her constitution in full compliance with the law, and asked for admission into the Union as a State, the resolution for her admission was voted down in the House of Representatives, and that too, chiefly by northern votes, thus actually rejecting the admission of Missouri and repudiating

the pretended compromise. If there had been in fact, any such thing as a compromise, here was an end to it. Before its full consummation, one of the parties repudiated and set it aside. Then it was, that Mr. Clay came forward with his proposition for a compromise, which related to a provision in the constitution of Missouri, prohibiting the emigration of free negroes to the State, and in the following language:

"That Missouri shall be admitted into the Union on an equal footing with the original States in all respects whatever, upon the fundamental condition that the 4th clause of the 26th section of the 3d article of the constitution submitted on the part of said State to Congress, shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the States in this Union, shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the Constitution of the United States *Provided*, That the Legislature of the said State, by a solemn public act, shall declare the assent of the said State to the said fundamental condition, and shall transmit to the President of the United States, on or before the first Monday in November next, an authentic copy of the said act; upon the receipt whereof the President, by proclamation, shall announce the fact; whereupon, and without any further proceedings on the part of Congress, the admission of the said State into the Union shall be considered as complete."

Mr. Clay's proposition was in the terms of a compact, and still further exposes the fallacy of the argument that the provision in the 8th section of the law, was a compact. It has been supposed by many, that Mr. Clay was the author of what has been termed the Missouri compromise line. This appears to have been a mistake.—He was, however, the author of the compromise or compact on which Missouri was admitted into the Union, and which is embodied in the resolution just read. It has been said that the ground on which Missouri was rejected in 1821, was the objection to the provision in her constitution in relation to the emigration of free negroes into the State. It is manifest, however, that this was a mere *pretext*. Mr. Benton set this matter fully at rest in his work already referred to, and from which I will take the liberty to read on pages 9 and 10, as follows—

"There was also a clause in it, authorizing the legislature to prohibit the emigration of free people of color into the State: and this clause was laid hold of in Congress to resist the admission of the State. * * * * * But the *real point of objection was the slavery clause*, and the *existence of slavery in the State*, which it sanctioned, and seemed to perpetuate." * * * * * * The *real* struggle was *political*, and for the *balance of power*, as frankly declared by Mr. Rufus King, who disdained dissimulation; and in that struggle the non-slaveholding States, though defeated in the State of Missouri, were successful in producing the compromise conceived and passed as a southern measure. The resistance made to the admission of the State on account of the clause in relation to free people of color, was only a *mask* to the *real cause* of opposition, and has since been shown to be so by the facility with which many States, then voting in a body against the admission of Missouri on that account, now exclude the whole class of the free colored emigrant population from their borders, and without question, by statute, or by constitutional amendment. For a while this formidable Missouri question threatened the total overthrow of all political parties upon principle, and the substitution of geographical parties discriminated by the slave line, and of course destroying the just and proper action of the federal government, and leading eventually to a separation of the States. It was a federal movement, according to the benefit of that party, and at first was overwhelming, sweeping all the Northern democracy into its current, and giving the supremacy to their adversaries. When this effect was perceived the Northern democracy became alarmed, and only wanted a turn or abatement in the popular feeling at home, to take the first opportunity to get rid of the question by *admitting the State*, and re-establishing party lines upon the *basis of political principle*."

How, then, stands the question of the alledged compromise? The *real ground* upon which Missouri was rejected in 1821, was *the existence of slavery* in the State, sanctioned by her constitution. The *pretext* or *mask* (as Mr. Benton calls it,) under which it was done, amounts to nothing. The Missouri law prescribing the line between slavery and freedom, was enacted in 1820, proposing to admit Missouri into the Union on an *equal footing* with the original States. Missouri accepted the proposition in 1821 by presenting her constitution and asking for admission on the terms of the law, but was rejected by Congress for the *real cause* and upon the *real ground* of the existence of slavery in the State. The geographical line, therefore, did not settle the question of slavery. Missouri was actually refused admission on the very terms of the pretended compromise. What then became of the "solemn compact"—the "sacred covenant?" It was not merely violated, but actually repudiated or rescinded by one of the parties before its final consummation. The provision in the

constitution of Missouri in relation to the emigration of free negroes into the State was nothing more than the exercise of an authority, which other States, as Mr. Benton says, have exercised without question or scruple. The proposition was to admit Missouri on an *equal footing* with the original States, on the terms of the geographical line; but before the final consummation of the matter, the proposition was repudiated. Subsequently a compact was made in relation to a different matter, and Missouri admitted into the Union by an abandonment of a privilege which other States had the admitted right to exercise. And Mr. Benton says, that the northern democracy availed itself of "the first opportunity of getting rid of the question by admitting the State, and re-establishing party lines upon the *basis* of *political principle.*"

It is true, that a very general impression has been prevailing among the people for many years, that the State of Missouri came into the Union on a compromise which fixed this geographical line, and that Mr. Clay was the author of it. But the public records of the country contradict it; and this mistake in regard to the historical incidents of that event, was corrected by Mr. Clay himself, in a speech in the U. S. Senate in 1850, in which he disclaimed the authorship of this 8th Section, and said that he did not even remember certainly whether he had voted for the provision prescribing this line or not, but that if he did, it was from the force of circumstances, and not because he approved of the principle of it.

This Missouri compromise line, as it is termed, never did receive the sanction of a majority of the representatives in Congress from the free States. The proposition was adopted in 1820, mainly by southern votes. It was an act of Congress indirectly sanctioning or authorizing negro slavery. The prohibition was only north of the line of 36°, 30′, where it was manifest slavery would be unprofitable, and where it would not exist to any considerable extent, or for any great length of time. But by fixing a geographical line, and prohibiting slavery north of it where the prohibition was of little or no use, the slave States obtained legislative authority by a direct implication, for slavery south of that line, where the continued existence of it was debateable ground. The Missouri compromise line, therefore, so far as it was operative, was in reality an act of Congress to sanction slavery. For this reason it was readily adopted and supported by the representation from the slave States, and opposed by that from the non-slaveholding States. The settlement of a great principle by a geographical line, is an absurdity, to say the least of it. And I aver the fact, that this alledged compromise line was never adopted, never sanctioned, never acquiesced in by a majority of the representatives in Congress from the free States.—The subsequent legislation of Congress shows that the provision prescribing this geographical line received little or no consideration. In 1836 it was set aside and repudiated by the act of Congress, extending the boundary of the State of Missouri, and annexing to it as a slave State, a part of this territory north of the line of 36°, 30′, sufficient in extent to make seven counties of the first class, and, as Mr. Benton says, in his book, "equal in size to such States as Delaware and Rhode Island, and by its fertility equal to one of the third class States."

On the 15th of January, 1847, when the bill to organize a territorial government for Oregon was before the House of Representatives in Congress, a proposition was made to amend the clause in the bill, which excluded slavery, by adding these words:

—"inasmuch as the whole of said Territory lies north of 36° 30′ north latitude, known as the line of the Missouri compromise."

And this proposition was voted down, showing thereby a determination on the part of Congress not to *recognize* the Missouri line.

On the 11th of August, 1848, a proposition was pending in the House of Reps. in Congress to amend the territorial bill for Oregon, by adding the following:

"That the line of 36 o 80' of north latitude, known as the Missouri compromise line as defined by the eighth section of an act entitled, "An act to authorize the people of the Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories,' approved March 6, 1820, be and the same is hereby declared to extend to the Pacific ocean; and the said eighth section together with the compromise therein egected, is hereby revived, and declared to be in full force and binding for the future organization of the Territories of the United States, in the same sense and with the same understanding with which it was originally adopted."

And this amendment was voted down by a vote of 121 to 82.

When the compromise measures were before Congress in 1850, repeated efforts were made to settle the controversy by adopting this geographical line and extending it to the Pacific Ocean, but they were all defeated. And on the 13th of June 1850, the following proposition was made in the House of Representatives, and voted down:

"*Provided however*, That it shall be no objection to the admission into the Union of any State which may hereafter be formed out of the territory lying south of the parallel of latitude of 36 degrees 30minutes, that the constitution of said State may authorize or establish African slavery therein."

In the compromise measures of 1850 the principle of non-intervention was adopted as the general policy of the government. This principle of itself, leaving the determination of the slavery question to the people, was a repeal of the Missouri compromise, without naming it. There was no real necessity for the express provision in the Nebraska law, declaring the Missouri compromise inoperative. The principle of non-intervention put an end to this geographical line, if it really had any legal existence. This great principle of self-government adopted as the basis of the compromise measures of 1850, was understood at the time, to be a settlement of the whole policy of our government in regard to negro slavery in the Territories. And the much abused territorial law for Kansas and Nebraska has in fact, done nothing more than carry out the general principle of the compromise of 1850, by applying it to those two Territories.

This Missouri restriction was not only in its terms, but in its legal effect, if valid, a perpetual prohibition, operating after the territory shall have been organized as a State and admitted into the Union, as well as before. The advocates of this compromise line would have deemed it a matter of but little consequence, if it was to be operative only for the few years between the time the people commence settling the territory, and the time of its admission into the Union as a State. But this is a prohibition not for *a time*, but "*forever*," in the language of the law. Such was not the case with the prohibition in the ordinance of 1787, which only applied to the Territory as a civil organization. Now, the Supreme Court of the United States have decided in three several cases, that no restriction on the power of the States, can be imposed by any legislation of Congress, or even by their own contracts. In the case of Pollard vs. Hagan, (3 Howard's Reports, 212) the Supreme Court, speaking in relation to the cession of the Territory of Alabama, by Georgia to the United States said,

"If an express stipulation had been inserted in the agreement granting the municipal right of sovereignty and eminent domain to the United States, such stipulation would have been void and inoperative; because the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain within the limits of the State, or elsewhere, except in the cases in which it is expressly granted."

And again they say, that,

"The right of Alabama, and every other new State, to exercise all the powers of government which belong to and may be exercised by the original States of the Union must be admitted and remain unquestioned, except so far as they are temporarily deprived of the control over the public lands."

The same doctrine is affirmed in the case of Permali vs. First Municipalty, (3 Howard's Reports, 589.). And in the case of Strader vs. Graham, (10 Howard, 82) Chief Justice Tany, in delivering the opinion of the Court, deciding that the ordinance of 1787, ceased to be in force in a statute after the state constitution, said, in reference to its provisions:

"If they could be regarded as yet in operation in the States formed within the limits of the North-western Territory, it would place them in an inferior condition as compared with other States, and subject their domestic institutions and municipal regulations to the supervision and control of this court."

Now this Missouri restriction, being not a mere temporary or territorial provision, but in its terms, and intent, a perpetual prohibition, designed to operate not simply on the Territories, but also on the States which might be formed out of the Territory, after they should be admitted into the Union, was unconstitutional and void under these decisions of the Supreme Court of the United States.

Mr. Madison, who is always high authority on a constitutional question, in a letter to Mr. Monroe in 1820, said, on the subject of this territorial legislation by Congress.

"On one side it naturally occurs, that the right being given from the necessity of the case, and in suspension of the great principle of self-government, ought not to be extended further, nor continued longer than the occasion might fairly require."

Mr. Madison said further:

"The questions to be decided seem to be—

"1. Whether a *territorial* restriction be an assumption of illegitimate power; or,

"2. A misuse of legitimate power; and, if the latter only, whether the injury threatened to the nation from an acquiescence in the misuse, or from a frustration of it, be the greater.

"On the first point, there is certainly room for difference of opinion; though, for myself, I must own that I have always leaned to the belief that the *restriction was not within the true scope of the Constitution.*

The authority of Thomas H. Benton, is worth something against this alledged Missouri compromise. The language used by him in 1852 is reported as follows.

"I believe in the compromises of the Contitution, and swore allegiance to them, and keep the oath. I do not believe in the compromises made by politicians, candidates for the Presidency. I have seen too much of such work."

"What was over more boasted than the compromise of 1833? or more worshiped in its day? or more sworn by? or more relied upon to save the Union? or more ferociously adhered to for its hour as the watchword of party? or more omnipotent over delicate nerves and attenuated pates? or made a more inexorable test of political salvation or damnation? and what more utterly and ignominiously abandoned, and by all its followers, high priests, and disciples, the moment it was found that it would make nobody President? It was my prerogative to see through that contrivance at the time of its device and to think as little of it at its birth as its authors did at its death.

"*The compromise of 1820 had also its day of laudation and glory; but it made nobody President, and now it is despised. Abjuration of it is the order of the day. Repudiation of the authority to make it a test for the presidency, and judicial decisions treat it as a nullity. The compromise of* 1850, *is in the first place, a deception, the compromise bill having failed, and its conglomerated measures passed separately as independent measures, and with very little help from their present assumptious guardians. In the second place, it was contrived upon the avowed ground that it was to make its champions Presidents. And is now stuck to upon that principle; and if it fails to do the job, it will take the track of its two defunct predecessors, and soon be with them,* "IN THE TOMB OF THE CAPULETS."

"*This is my experience of Congress compromises, and nobody need set up these little clay gods for me to worship, especially when those who set them up do it for a purpose, and knock them down when they don't answer it.*"

I am aware that Mr. Benton made a buncomb speech last winter, in favor of the Missouri compromise line, in which he speaks of it as having almost the sanctity and binding validity of the constitution itself. But this, I attribute to Mr. Benton's political disappointments, excentric vageries, and new-born aspirations to become the "Fusion" candidate for the presidency; for in 1852 he declared this Missouri compromise a *Presidential humbug*, which had had its day of laudation, but "now *dispised,*" "*abjured,*" "*repudiated,*" "*treated as a nullity by judicial decisions,*" and *buried "in the tomb of the Capulets."*

I am much in the habit now days of citing authorities; and I find that there is weight in the authority of distinguished men on this grave question. I hold in my hand an authority, to which I invite the especial attention of my venerable friend, (Mr. Smith, editor of the Christian Statesman) whom I see on my right taking notes. This authority, is the opinion of a distinguished Statesman with whom my learned friend is personally acquainted, and in whom, I know, he must have great confidence, for he supported him for the Presidency in 1852. And in reporting me, which it would be uncharitable to presume, would not be done fairly, I particularly request that he do not omit the strong language of condemnation of this Missouri compromise line, which the Hon. John P. Hale is reported to have used in the U. Senate, in 1850:

"Mr. HALE. I wish to say a word as a reason why I shall vote against the amendment. I shall vote against 36 degrees 30', *because I think there is an implication in it.* [Laughter.] I will vote for 37 degrees or 36 degrees either, just as it is convenient; but it is idle to shut our eyes to the fact that there is an attempt in this bill—I will not say it is the intention of the mover—to pledge this Senate and Congress to the imaginary line of 36 degrees 30', because there are some *historical recollections connected with it in regard to this controversy about slavery.* I will content myself with saying, that *I never will, by vote or speech, admit or submit to any thing that may bind the action of our legislation here to make the parallel of 36 degrees 30' the boundary line between slave and free territory.* And when I say that, I explain the reason why I go against the amendment."

The authority of Thomas Jefferson, deploring the Missouri line, comes to us as a voice from the tomb of a revered patriot and apostle of liberty. In his letter to William Short, of the date of April 13, 1820, the next month after the passage of the Missouri law, (See Jefferson's correspondence, vol. 4, page 322,) Mr. Jefferson said:

"Although I had laid down as a law to myself, never to write, talk, or even think of politics, to know nothing of public affairs, and therefore had ceased to read newspapers, yet the Missouri question aroused and filled me with alarm. The old scism of federal and republican threatened nothing because it existed in every State, and united them together by the fraternism of party. But the coincidence of a marked principle, moral and political, with a geographical line, once conceived, I feared would never more be obliterated from the mind; that it would be recurring on every occasion and renewing irritations, until it would kindle such mutual and mortal hatred, as to render separation preferable to eternal discord. I have been among the most sanguine in believing that our Union would be of long duration. I now doubt it much and see the event at no great distance, and the direct consequence of this question: not by the line which has been so confidently counted on: the laws of nature control this; but by the Potomac, Ohio and Missouri, or more probably, the Mississippi upwards to our northern boundary. My only comfort and confidence is, that I shall not live to see this; and I envy not the present generation the glory of throwing away the fruits of their fathers' sacrifices of life and fortune, and of rendering desperate the experiment which was to decide ultimately whether man is capable of self-government? This treason against human hope, will signalize their epoch in future history, as the counterpart of the medal of their predecessors."

Mr. Jefferson's letter to John Holmes on the same subject, which I find in the same work on page 323, I deem of sufficient importance to give you at length:

TO JOHN HOLMES.

Monticello, April 22 1820.

"I thank you, dear Sir, for the copy you have been so kind as to send me of the letter to your constituents on the Missouri question. It is a perfect justification to them. I had for a long time ceased to read newspapers, or pay any attention to public affairs, confident they were in good hands, and content to be a passenger in our bark to the shore from which I am not distant. But this momentous question, like a fire bell in the night, awakened and filled me with terror. I considered it at once as the knell of the Union. It is hushed, indeed, for the moment. But this is a reprieve only, not a final sentence. A geographical line, coinciding with a marked principle, moral and political once conceived and held up to the angry passions of men, will never be obliterated; and every new irritation will mark it deeper and deeper. I can say, with conscious truth, that there is not a man on earth who would sacrifice more than I would to relieve us from this heavy reproach in any *practicable* way. The cession of that kind of property, for so it is misnamed, is a bagatelle which would not cost me a second thought, if, in that way, a general emancipation and *expatriation* could be effected: and, gradually, and with due sacrifice, I think it might be. But as it is, we have the wolf by the ears, and we can neither hold him, nor safely let him go. Justice is in one scale, and self-preservation in the other.—Of one thing I am certain, that as the passage of slaves from one State to another, would not make a slave of a single human being who would not be so without it, so their diffusion over a greater surface would make them individually happier, and proportionally facilitate the accomplishment of their emancipation, by dividing the burthen on a greater number of coadjutors. An abstinence too from this act of power, would remove the jealousy excited by the undertaking of Congress to regulate the condition of the different descriptions of men composing a State. This certainly is the exclusive right of every State, which nothing in the constitution has taken from them and given to the General Government. Could Congress, for example, say, that the non-freemen of Connecticut shall be freemen, or that they shall not emigrate into any other State?

"I regret that I am now to die in the belief, that the useless sacrifice of themselves by the generation of 1776, to acquire self-government and happiness to their country, is to be thrown away by the unwise and unworthy passions of their sons, and that my only consolation is to be, that I live not to weep over it. If they would but dispassionately weigh the blessings they will throw away, against an abstract principle more likely to be effected by union than by secession, they would pause before they would perpetrate this act of suicide on themselves, and of treason against the hopes of the world. To yourself, as the faithful advocate of the Union, I tender the offering of my high esteem and respect.

TH: JEFFERSON.

It has been said, that this geographical line between slavery and freedom, gave peace and repose to the country on the subject of negro slavery for thirty years, and so said Mr. Benton in a speech in Congress last winter. But what said Mr. Benton in his book on the subject of the peace and harmony produced by this compromise? On page 5th he says:

"But the genius of slavery agitation was not laid. It re-appeared, and under different forms, first from the North, in the shape of petitions to Congress to influence legislation on the subject; then from the South, as a means of exciting one half of the Union against the other, and laying the foundation for a Southern confederacy. With this new question, in all its forms, the men of the new generation have had to grapple for the whole period of the "Thirty years."

It has been said, that this Missouri compromise established a line which settled a controversy between the slaveholding and the non-slaveholding States, and that after the southern States had received their full benefit of the compromise by the admission of Louisiana, Missouri, Arkansas &c. they now come forward and repeal the law, and deprive the free States of all benefit from the arrangement. This is a very specious argument, but it turns out to be wholly unfounded in fact. It is one of those ad captandum statements usually employed by a certian class of politicians, who think more of producing effect with the people, than of being truthful and accurate. I meet this statement by the authority of John Quincy Adams, whose profound knowledge and accuracy as a statesman will not be disputed. Mr. Adams who was a member of the House of Representatives in Congress in 1836, in a speech on the application for the admission of Arkansas into the Union as a slave State, gave the ground upon which the States formed out of the Louisiana purchase from France, were entitled to admission into the Uuion, in the following pointed language, speaking in reference to the admission of Arkansas:

"She is entitled to admission as a slave State, as Louisiana, and Mississippi, and Alabama, and Missouri had been admitted, by virtue of that article in the treaty for the acquisition of Louisiana, which secures to the inhabitants of the ceded Territories, all the rights, privileges, and immunities, of the original citizens of the United States; and stipulates for their admission, conformably to that principle, into the Union. Louisiana waspurchased as a country wherein slavery was the established law of the land. As Congress have not power in time of peace to abolish slavery in the original States of the Union, they are equally destitute of the power in those parts of the territory ceded by France to the United States by the name of Louisiana, where slavery existed at the time of the acquisition. Slavery is in this Union the subjectof internal legislation in the States, and in peace is cognizable by Congress only, as it is tacitly tolerated and protected where it exists by the constitution of the United States, and as it mingles in the intercourse with other nations. Arkansas, therefore, comes, and has the right to come into the Union with her slaves and her slave laws. It is written in the bond, and, however I may lament that it ever was so written, I must faithfully perform its obligations. I am content to receive her as one of the slaveholding States of the Union; but I am unwilling that Congress, in accepting her constitution, shall even lie under the imputation of assenting to an article in the constitution of a State which withholds from its legislature the power of giving freedom to the slave."

I inquire then, upon the authority of John Quincy Adams, whose integrity and intelligence is not likely to be questioned on this subject, upon what grounds was Missouri in fact admitted, and indeed entitled to admission, into the Union. Not by virtue of this pretended compromise about a geographical line between slavery and freedom, but by virtue of an article in the treaty for the acquisition of Louisiana, which stipulated for her admission with the other States mentioned. Here was an actual compact, a treaty which had the form and effect of the supreme law of the land, anterior to 1820. Mr. Adams said, that, "IT WAS WRITTEN IN THE BOND, AND HOWEVER HE MIGHT LAMENT THAT IT EVER WAS SO WRITTEN, HE MUST FAITHFULLY PERFORM ITS OBBLIGATIONS." What then become of this humbug line, between slavery and freedom, which Mr. Adams on this occasion, did not even so much as allude to or recognize? It was the bounden duty of Congress to admit Missouri, and those other States, by virtue of a solemn treaty, without any condition whatever. There never has been any subject, perhaps, upon which our people have been so much

misled and their credulity so grievously imposed on by designing politicians, as the subject of this Missouri compromise line. According to Mr. Adams, Missouri was entitled to admission by the terms of the treaty under which the territory was acquired by the United States. This alleged compromise then was in violation of a solemn treaty, and imposed terms on Missouri which Congress according to the treaty for the purchase of Louisiana, had no right to impose.

I claim, therefore. the following conclusions from what I have said, on the subject of the alledged compromise line between slavery and freedom.

1st. That it was no compact, and in substance and in fact, did not even amount to a clear, distinct, and well defined legislative compromise.

2d. That it was repudiated by Congress in 1821, before its final consummation as a compromise, by the refusal to admit Missouri into the Union on the terms of it.

3d. That it was never sanctioned or acquiesced in by a majority of the representatives in Congress from the non-slaveholding states; that Congress set it aside in the enlargement of the boundary of Missouri; refused to recognize it on various occasions; and finally and forever set it aside by the adoption of the principle of non-intervention, as the general policy of the government.

4th. That as a perpetual or permanent prohibition of slavery north of the prescribed line, as it imported by its terms, it was unconstitutional and void under the decisions of the Supreme Court of the United States. And that it was declared unconstitutional by Mr. Madison; and deplored as an unwarranted and dangerous exercise of authority, by Mr. Jefferson.

5th, That as a compromise or condition for the admission of Missouri into the Union, it was in violation of the treaty for the acquisition of Louisiana, and therefore, void, Missouri being entitled to admission by virtue of an express article in that treaty, without any interference with the institution of negro slavery from Congress.

There is yet another, and if possible, a still greater objection to this legislative intervention by Congress. Although this act which has been denominated the Missouri compromise, had neither the binding obligation of a compact, the efficacy of a law, nor the moral force of a legislative compromise; yet it had the effect of settling and establishing in the minds of the people of this country, the idea of a fixed and determinate line between slavery and freedom, on the south side of which slavery was to be tolerated as a permanent institution under the sanction of the general government. The moral force and influence of this event, was to relax, and, indeed, check all effort or exertion among the people south of this line, to progress in the cause of emancipation; and not only this, but also to view all efforts among the people of the free States, to advance the cause of emancipation, as an offensive and unwarrantable interference, and at war with an institution existing under the sanction of the general government. Emancipation in this country commenced with the first foundation of our government, and steadily and gradually advanced, and gathered influence in its progress, as it peaceably and successfully spread from State to State, down to the time of this geographical line between slavery and freedom. With the pretended establishment of this line, the progress of emancipation apparently ceased. And since that period, the cause has, in fact, lost ground in the States where slavery existed, and the agitation of the subject become offensive and irritating. The idea of the geographical line seems to have supplanted the place of the idea of the moral principle involved in the institution, and the high sanction and authority of the general government, to have obliterated the moral sense in regard to its existence south of the line. Thus this legislative intervention by Congress, instead of limiting the extension of slavery, has not only checked, but greatly, deeply injured the cause of emancipation.

I insist, therefore, on the established truth of my second proposition, that the doctrine of non-intervention by Congress proposes the most effectual practical mode of checking the progress of negro slavery.

3. *My last proposition is, that the principle of non-intervention is essential to the safety and permanency of the Union of the States.*

The existence of negro slavery created the greatest obstacle in the way of the formation of the general government. But it was overcome and the Union of the States formed by the adoption of the principle of non-intervention by Congress, which left the exclusive control of this institution, to the legislation of the people of each State within its own borders. The supposed establishment of a geographical line between slavery and freedom, and the continued agitation of the slavery question in the free States and in Congress, have tended greatly to widen the breach and fix more deeply in the minds of the people, that difference of opinion which has engendered bitter animosities between the southern and northern sections of the country, and occasionally roused an excitement which created alarm for the safety of the Union. The acquisition of a very large extent of new territory by the annexation of Texas and the treaty of peace with Mexico, brought up this question with all its difficulies, in a much more formidable and threatening character than before. The excitement and sectional animosities engendered, had continued to increase more rapidly from the year of 1844. In 1850 the crisis arrived, when Congress was compelled to settle the question in one way or the other, for this vast extent of newly acquired territory. It was a period of dread and alarm to those who looked with patriotic care upon the national Union as the palladium of our political safety. The veteran Statesmen, Cass, Clay, and Webster, and many other distinguished men in Congress, met this crisis with a full appreciation of its fearful import, and the most anxious solicitude for the consequences of the event. It was evident, that an act of Congress *authorizing or indirectly sanctioning* negro slavery in the Territories, would have caused a secession of the Northern States and resulted in a dissolution of the Union. And it was equally certain, that a *prohibition* of the institution by Congress would have produced the same result, in the southern part of the confederacy. The proposition to settle the question by a geographical line was met and voted down, and that too, chiefly, by northern men with all the firmness and indignant feelings, which could have been occasioned by a general proposition to authorize the institution, in the Territories. At this fearful crisis, the patriotic statesmen in Congress went back to the first elements of our government, and planted themselves upon that fundamental principle of popular liberty, proclaimed by the thirteen colonies in the American Revolution, that the people of every distinct country had the right by their own inherent popular sovereignty to control their own domestic affairs and local municipal laws. And upon the basis of this principle of non-intervention by Congress, applied to the Territories, the compromise measures of 1850 were adopted, and our national Union saved from eminent and impending danger. Thus this troublesome and dangerous question was settled, not by any geographical line between slavery and freedom; not by any legislative compromise which would tend to widen the breach between the two sections of the country, but by the adoption of a great fundamental principle of self government universal in its application and permanent in its operation. And although there were some objectionable provisions in some of the compromise measures of 1850, especially in the details of the fugitive slave law, yet such was the importance of the principle of non-intervention, that it carried through even the objectional provisions by its preponderating beneficial influence. And no principle ever adopted in this country has received so signal an endorsement by the people as has this. It is a remarkable circumstance, that in the presidential contest of 1852, the national conventions of both the two great political parties of the country, not only endorsed the measures based on this principle, but also solemnly pledged their respective parties to stand by them.

There is *no other ground* upon which the slavery question in the Territories, could have been disposed of with safety to the Union. And the *essential importance*

of the doctrine of non-intervention to the *safety* and *permanency* of the Union of the States, is strongly indicated by circumsances *existing* and *prospective*. It is an undeniable fact, that there has been an ultra political organization in the southern States, and also another in the northern States, entertaining sentiments on the slavery question the very opposite of each other, and each of which have been looking forward to a dissolution of the Union as the probable ultimate end of their movements. Some persons belonging to each of these political parties, have openly advocated a disunion of the States, others have been more cautious in their expressions as to their ultimate objects, or more probably, not aware of the tendency of their movements. The inevitable tendency of these mere sectional parties, is to engender sectional animosities, array one section of the confederacy against the other, and finally lead to a seperation of the States. What can be accomplished by political Abolitionism in the free States? It certainly cannot aid the cause of emancipation in the slave States; and the angry and useless agitation which it has created in Congress has beenproductive of *great harm* but *no good*. Mr. Clay in his speech in the U. S. Senate, on February 7th 1839, said,

The proposition in Kentucky for a graduel emancipation did not prevail, but it was sustained by a large and respectable minority. That minority had increased and was increasing, until the abolitionists commenced their oporations. The effect has been to dispate all prospects whatever for the present, of any scheme of gradual or other emancipation. The people of the State have been shocked and alarmed by these abolition movements, and the number who would now favor a system even of gradual emancipation, is probably less than it was in the years 1798-9. At the session of the legislature held in 1837-8, the question of calling a Convention was submitted to the consideration of the people by a law passed in conformity with the constitution of the State. Many motives existed for the passage of the law, and among them that of emancipation had its influence. When the question was passed upon by the people at their last annual election, only about one-fourth of the whole voters of the State supported a call of a Convention. The apprehension of the danger of abolition was the leading consideration among the people for opposing the call. But for that—but for the agitation of the question of abolition in States whose population had no right, in the opinion of the people of Kentucke to interfere in the matter, the vote for a Convention would have been much larger, if it had not been carried.

"Prior to the agitation of this subject of abolition, there was a progressive melioration in the condition of slaves throughout all the slave States. In some of them, schools of instruction were opened by humane and religious persons. These are all now checked, and a spirit of insubordination having shewn itself in some localities, traceable, it is believed, to abolition movements and exertions, the legislative authority has found it exedient to infuse fresh vigor into the police, and laws which regulate the conduct of the slaves.

The full extent of the injury done to the cause of emancipation and to the condition of the slave, by the political movements of abolitionism in the free States, no man can fully estimate. Yet these movements are kept up by artful politicians, who excite and inflame the sectional feelings of the people, regardless of their consequences, either to the condition of the slave, or to the harmony and safety of the country. Mr. Clay, in his speech to which I have just referred, depicted the consequences of the movements of this sectional party in the North, in language of great power and eloquence, which I will take the liberty here to read:

"Sir, I am not in the habit of speaking lightly of the possbility of dissolving this happy Union. The senato knows that I have deprecated allusions, on ordinary occasions, to that diroful event. The county will testify that, if there be any thing in the history of my public career worthy of recollection it is the truth and sincerity of my ardent devotion to its lasting preservation. But we should be false in our allegiance to it, if we did not discriminate between the imaginary and real dangers by which it may be assailed. Abolition should no longer be regarded as an imaginary danger. The abolitionists let me suppose, succeed in their present aim of uniting the inhabitants of the free states as one man, against the inhabitants of the slaves states. Union on the one side will begot union on the other.—And this process of reciprocal consolidation will be attended with all the violent prejudices, embittered passions, and implacable animosities which ever degraded or deformed human nature. A virtual dissolution of the Union will have taken place, while the forms of its existence remain. The most valuable element of union, mutual kindness, the feelings of sympathy, the fratornal bonds, which now happily unite us, will have been extinguished for ever. One section will stand in menacing and hostile array against the other. The collision of opinion will be quickly followed by the clash of arms. I will not attempt to describe scenes which now happily lie concealed from our view. Abolitionists

themselves would shrink back in dismay and horror at the contemplation of desolated fields, conflagrated cities, murdered inhabitants, and the overthrow of the fairest fabric of human government that ever rose to animate the hopes of civilized man. Nor should these abolitionists flatter themselves that, if they can succeed in their object of uniting the people of the free states, they will enter the contest with numerical superiority that must ensure victory. All history and experience proves the hazard and uncertainty of war. And we are admonished by holy writ that the race is not to the swift, nor the batter to the strong. But if they were to conquer, whom would they conquer? A foreign foe—one who had insulted our flag, invaded our shores, and laid our country waste? No, sir: no, sir. It would be a conquest without laurels, without glory—a self, a suicidal conquest of brothers over brothers, achieved by one over another portion of the descendants of common ancestors, who nobly pledging their livestheir fortunes, and their sacred honor, had fought and bled, side by side, in many a hard battle on land and ocean, severed our country from the British crown, and established our national independence.

Just before speaking on this occasion, a political friend of Mr. Clay is said to have suggested to him, that although it might be right for him to express his views on this subject, yet as his friends desired to support him as a candidate for the Presidency at the approaching election, it might injure his prospects, to which Mr. Clay is said to have replied, "I WOULD RATHER BE RIGHT THAN TO BE PRESIDENT."

I have not been a follower of Mr. Clay in his political notions generally; but no one can question his patriotic devotion to the welfare of his country, and many of his elevated and enlarged views as a Statesman, as well as his high bearing, and many noble traits of character as a man, have justly commanded the admiration of the world. From his first entering upon the stage of action to the latest hour of his life, he was a bold and ardent advocate of emancipation in his own State. In his own language in the U. S. Senate, on the occasion to which I refer, he said, "I am, Mr. President, no friend of slavery. The searcher of all hearts knows that every pulsation of mine beats high and strong in the cause civil liberty. Wherever it is *safe* and *practicable*, I desire to see every portion of the human family in the enjoyment of it."

The early Statesmen of this country appear to have had a clear and full sense of the danger of mere sectional parties, or the division of parties by geographical lines. Washington, who, by his patriotic services had justly acquired the title of "The Father of his Country," has left a warning in his Farewell Address which we can never disregard so long as we are true to ourselves, and true to our country. Looking through the vista of time, that great patriot and sage foreshadowed the very state of things, which is now existing, and with anxious solicitude delivered a solemn warning against its dangers. This Farewell Address when read, falls upon our hearing like the voice of some guardian angel issuing from that venerated spot in the shades of Mount Vernon, where rest the earthly remains of "the Father of his country." I read you the words of George Washington:

"The unity of government, which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence—the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth: as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed,—it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; *that you should cherish a cordial, habitual and and immovable attachment to it*; accustoming yourselves to think and speak of it as the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety: *discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned*: AND INDIGNANTLY FROWNING UPON THE FIRST DAWNING OF EVERY ATTEMPT TO ALIENATE ANY PORTION OF OUR COUNTRY FROM THE REST, OR TO ENFEEBLE THE SACRED TIES WHICH NOW LINK TOGETHER THE VARIOUS PARTS." * * * * *

"In contemplating the several causes which may disturb our Union, it occurs, as a matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations—Northern and Southern—Atlantic and Western: whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart-burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. * * * *

"However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprinci-

pled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of Government; destroying, afterwards, the very engines which had lifted them to unjust dominion."

Will any person be so heedless of existing facts, as to deny that the political abolition party in the free States, is a mere sectional party?—to deny that all their movements and efforts tend to destroy a "*cordial, habitual and immoveable attachment for the Union*?"—to *alienate* one portion of our country from the other, and weaken the ties which hold together the National Confederacy? What useful purpose can this political organization subserve in the free States? We have no negro slavery here in Ohio, unless it be the political subjection of our colored population. It is true, they cannot be called freemen. Although not bondmen to labour, politically they are not freemen. They have no voice in the administration of the government, which controls their rights of person and of property. And they are not allowed to vote, to hold office, to sit upon juries, or to come to our tables, or enter our families on terms of social equality. If the object of this political organization, were to operate on matters legitimately within its reach,—if it were to educate and improve our colored population in this State, and qualify them for political freedom,—if it were to elevate our own colored population to a political and social equality with the whites, no person would have a right to object to it. This would be a subject within the legitimate scope of their political action. And right or wrong, they would have the right to bring the matter up for consideration But this is not pretended to be their object. If the object be to act on the question of negro slavery in the sister States, it is not legitimate, not constitutional, and no good can grow out of it. We are told that the object is to carry the agitation into Congress. Be it so. Let agitation be kept up in Congress with increased vigor, and the two sections of the country be wrought up to the highest pitch of excitement and embittered animosity, what will it accomplish? It will cost great expenditure of time and money. But what *useful purpose* can it effect? Will it ameliorate the condition of the slave? Will it set free a single negro now in bondage? Certainly not. This is not pretended. Congress has no power to interfere with slavery in the States: and I have already shown that Congress has no constitutional power to legislate on the subject of negro slavery in the Territories. All that can grow out of this work, is agitation, excitement and embittered sectional animosities, arraying one section of the Union against the other, and weakening the ties which now bind them together.

This sectional party has, very recently, assumed a new and more imposing form. Within a few days past a State Convention has been held in this State, at which, as it appears, the whig party and a few dissentient democrats, have formally united with the Abolition or Free Soil party. The object of the movement, is the formation of a new party on the basis of the *negro slavery question alone*, by a fusion of all the elements of opposition to the democracy of the country. The organization of the whig party is abandoned, and the principles heretofore professed by that party, in regard either to questions of State policy, or the measures of the general government, have been laid aside, and that party merged in the ranks of abolitionism. This is a most extraordinary state of affairs. Men are asked to lay aside all their principles and views in regard to measures of public policy, both State, and National, and enter into a general "*fusion*," or conglomeration of the heterogenious elements of divers parties and factions, organized on the basis of the negro question alone. Every thing else is to be submerged, abandoned, and thrown aside, for one common and universal struggle on the subject of negro slavery. In order to prevent even a supposition of unfairness in stating the nature and object of this new organization, I will take the liberty of adopting in the publication of my remarks, the language used by my learned friend, (Mr. Smith,) in the columns of "The Christian Statesman;" and I do this, with the greater confidence, inasmuch as he was not only present at the State Convention, but in speaking of it, can in truth say, in the words of the Trojan Hero, "*magnum pars fui*." He defines the position taken by the Convention, as follows:

"Most ardently did all desire a permanent union. And most fearfully did our enemies dread such a result. But when we came to compare notes, it was found that Whigs and Democrats were willing to go farther, many of them much farther, than Free Soilers judged the present crisis required: and a platform was adopted, we will not say, with perfect ease, but will say, with perfect delight, without one dissenting voice, on which all can stand.

1. To render, by all constitutional and available means, the repeal of the Missouri Compromise *inoperative* and *void*.
2. To admit no more slave territory, on any account, from any place.
3. To admit into the Union of American States no more Slave States, at any time, or from any place.
4. To keep for *free homes for freemen*, the soil of all the territories we now have, or may hereafter acquire.

Here we stand, Whigs, Democrats, and Free Soilers, without a dissenting voice. Whigs and Democrats would have gone farther. A resolution was offered by a leading Whig to free the General Government from all responsibility for the existence of slavery, which was, by a standing rule of the Convention, referred to the committee on resolutions. That committee had no meeting after the reference, and the resolution could not be got before the Convention, or it would have passed."

Here we have the organization of a political party on the basis of the negro question *exclusively*. The leading propositions are, first, *the restoration of the Missouri geographical line between slavery and freedom*; second, *the acquisition of no more slave territory*; third, *the admission of no slave State into the Union hereafter*; and fourth, *the absolute prohibition by Congress of slavery in all the Territories*. If the people of the free States could be united on this position, it would lead to a dissolution of the Union of the States at once. A prohibition of slavery in all the Territories, and an absolute refusal to admit another State into the Union hereafter, in which the institution of negro slavery exists, would be a virtual repeal of the compromise measures of 1850, by which Utah and New Mexico were organized on the principle of non-intervention. A final determination by a majority in Congress, that hereafter, the existence of the institution of negro slavery shall be a disqualification for the admission of a State into the Union, would be viewed as a stigma upon those States in which the institution now exists. When the Union was first formed, negro slavery existed in all the States; and although it was lamented by the enlightened statesmen of that age as an evil, yet its removal could not be effected immediately, and could only be hoped for, by a gradual emancipation through local State legislation. And at this day, under the high state of sectional excitement now prevailing between the northern and the southern States, the adoption of such a disqualification, would inevitably result in a dissolution of the Union. No candid man, who has been an observer of the progress of the anti-slavery agitation for the last thirty years, will deny this. The propositions upon which this new political organization is founded, involve the exercise of power not conferred by the Constitution, and which, if it could be exercised, would lead to the inevitable dissolution of the Union.

And how is the object of this political combination to be accomplished? By political movements and agitation in the free States? by getting up an extensive sectional party, and arraying the North against the South, and by carrying the agitation into Congress, and calling upon Congress for the exercise of the power to carry out these measures? The sectional feelings and antipathies against slavery in the free States are strong, and easily aroused. Our people have an instinctive abhorrence for the clanking of the chains of bondage; and there is a charm in the very word *freedom*, which starts the blood and rouses men to action. The objects and professions of the anti-slavery party, are fair to the view, address themselves to the kind and generous feelings of our nature, and flatter our sectional feelings and prejudices. They are alluring in their nature, and well calculated to lead us by a blind and heedless devotion to an abstract sentiment, to consequences utterly disastrous to the fairest hopes and prospects of the great experiment whether man is capable of self-government. We have in poetical language, a happy illustration of the effect of popular delusion, under the enchanting name of *freedom*. We are told that the veiled Prophet of Khorassan came before the world under the profession of a redeeming angel. Covering his unsightly deformity by a silver veil, he unfurled a white flag upon which was emblazoned 'those words of sunshine,' "FREEDOM TO THE WORLD," holding out the alluring promise, that he would set free.

"This fetter'd world from every bond and stain,
"And bring its primal glories back again!"

He drew millions of devoted followers to his car; and after he had led them on, and induced them to sacrifice every thing to his fell purpose, and devote themselves soul and body to his unholy rites, he raised the veil; and instead of the promised vision of heavenly light, exhibiting to his deluded followers, "as in death's agony they gazed," the horrid lineaments of a foul monster, saying,

"There, ye wise Saints, behold your Light, your Star,"—
"Ye *would* be dupes and victims and ye *are*."

Let our own countrymen beware, how they listen to the song of that siren, that would delude them by the enchanting name of liberty, and lead them on until they themselves *"would shrink back in dismay and horror at the contemplation of desolated fields, conflagrated cities, murdered inhabitants, and the overthrow of the fairest fabric of human government that ever rose to animate the hopes of civilized man."* There is wisdom in the patriotic warning of the founders of the Republic against the dangers of sectional parties struggling to array one part of the Union against the other. It is in reference to such dangers as these, that "The Father of his Country," in the language of patriotic devotion, admonished us, to *"frown indignantly upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts."*

I would not be understood as attributing to those, who have engaged in this anti-slavery movement, a present design or desire to bring about a dissolution of the Union of the States. Many of them, I know to be men of integrity and great purity of motives, upright and honorable in all their intentions, who have been lead into a participation in this movement, from humane and philanthropic feelings. But they are misguided philanthropists. A blind and heedless attachment to an abstract sentiment, has caused them to overlook the practical consequences of the movement. And they have been injuring, greatly injuring the great cause of humanity, which they have had so deeply at heart. They have not stopped to consider, that their political movements and agitation in the free states and in Congress, had greatly injured the condition of the slave, checked all progressive movements in the slave States for the melioration of his condition, riveted the chains of slavery still closer, retarded the course of emancipation in the slave States, and thrown it back fifty, and perhaps one hundred years. They have opposed the humane movements of the Colonization society having in view a separation of the two races, and adopted the chimerical idea of breaking down the distinction arising from the constitutional repugnances between the whites and the blacks. In those States where the two races may be nearly equal in numerical force, the only peaceable alternative is, either separation, or amalgamation, in case the purposes of emancipation could be accomplished.

The clear and philosophical views of General Cass, recently expressed upon this subject, I deem appropriate and highly important. And I adopt them the more readily inasmuch as the long and well known character, as well as the enlarged and elevated views of that experienced statesman and devoted patriot, place him above the reach of calumny and detraction. In a speech in the U. S. Senate on the 20th of February, last General Cass said.

"The *status* of slavery has existed from the earliest ages of the world; and regretted, as it is and must be by the moralist, it is a great practical political question, which every established community where it is recognized must adjust for itself. The Revolution found it in most of the States, and there it was at the adoption of the Constitution, and in many of them it yet remains, making part of the rights and guarantees of the Confederation. To touch it by the General Government would be to shake to its corner-stone our whole political edifice. Like other human institutions, it has neither all the advantages its friends claim for it, nor all the evils its enemies deplore. Believing it a misfor-

tane for any country, I regret its establishment; but looking upon it as an existing condition, I am free to confess, that though it may come to an end, and I hope it may, peacefully and justly, I see no way in which this can be effected but by leaving it to those most interested in it, and to the process they may find it best to adopt. Any external interference would only aggravate the evils and the dangers, and this our experience has already shown. As to the frightful pictures which have been drawn of cruelty on one side, and suffering and wretchedness on the other, they are gross exaggerations, by whatever modern Gulliver fabricated, whether man or *strong-minded* woman, originating in ignorance or malevolence, and ministering to the worst of passions both at home and abroad. I know something of the condition of the slaves, and I believe, in general, they are treated with all the humanity which can reasonably be expected in their situation; with a humanity honorable to the proprietors as a class, and, to say the least of it, quite as well as they would be in the northern States, had this institution not been abolished there, and far better than by many whose philanthropy is shewn by the railing and reproachful words they utter, and not by the relief they contribute to objects of misery. And I know something of the condition of the poverty-strieken population of Europe, and of a large portion of the inhabitants, who lie down in sorrow and get up in care, and who pass their lives in want, many of them in a state of destitution utterly unknown in this country; and I have seen far more misery in the proudest capitals of Europe than I ever saw in our own favored land among white or black, bond or free. A recent remark in the London Times better illustrates this frightful condition of human want than the most labored description:

'IN LONDON, THE CENTRE AND CORE OF BRITISH WEALTH AND PHARASAICAL EXCLUSIVENESS, ONE HUNDRED THOUSAND HUMAN BEINGS GET UP EVERY MORNING WITHOUT KNOWING WHERE THEY ARE TO FIND A MEAL, EXCEPT FROM A PASSING JOB OR CRIME.'

One would think that here was field enough for the exertion of any reasonable quantity of philanthropy, and that until these awful scenes of human suffering were removed, it would exhibit a much more commendable spirit to labor there for life first, and then for reformation, rather than to be sending political missionaries, under the guise of a universal love of mankind, to this country, kindly to excite one portion of the Union against another, and thus lead to a dissolution of the Confederation, and to the destruction of our power and prosperity. What a deplorable consummation that would be to these philanthropic Englishmen! Certainly objects of commiseration are every where to be found, even in the most prosperous communities. Misfortune, whether produced by ourselves or by the chances of life, are inseparable from human society. And there is no man who cannot look around him and find objects enough upon which to exhaust his benevolence, whether its contributions are confined to puling sentimentality, or extended to substantial offerings for the relief of distress. I have no patience with that costive charity which neglects the misery of its neighborhood, because that demands the aid of the purse, and seeks subjects for noisy philanthropy far beyond its reach, because words are not wealth, and professions are cheaper than cash."

In order to weaken my position on this subject it has been said, that I have myself been inconsitent in my opinions in regard to the doctrine of non-intervention; and to prove not only this charge of *inconsistency*, but also a most groundless charge of *insincerity*, a private letter, written in the confidence of private friendship to Mr. Brinkerhoff, while in Congress, dated, January 27th, 1847, in favor of the Wilmot proviso as an amendment to the "Three Million Bill," has been read about the streets, and published in public meetings, and in news papers, and greatly perverted and misrepresented. I know, Mr. President, that it is a matter of but little consequence to the country, and to the great principle involved in this measure, whether so humble an individual as myself, has ever erred or been inconsistent; but inasmuch as the charge has been connected with the subject which I have been discussing, I ask pardon of the convention for trespassing a few minutes on their attention, relative to this personal matter. This letter, which, although not marked private or confidential, (a mark I very rarely put on a private letter addressed to a person in whose honorable feelings I repose confidence,) was known by the person to whom it was written, as well from the relations then subsisting between him and myself, as its contents and language, to be a *private letter*, written in haste and in the confidence of private friendship, and not intended for publication. This letter, by its express language, the context and manifest intention of it had a reference to the Wilmot proviso as an amendment to the measure, which at the time was pending in Congress, known as the "Three Million Bill," by which it was proposed to place three million of dollars in the hands of the President, for the purchase of Southern territory, in concluding a peace with Mexico. I looked upon the bill, and the object proposed by it, as highly objectionable. I had been a delegate in the Democratic National Convention of 1844, and an advocate at that time.

for the re-nomination of Martin Van Buren for the Presidency, which was defeated by the Texas question thrust upon the country at that particular juncture. I aided in coupling with the annexation of Texas, a pledge to sustain our claim, to what has been familiarly termed "*fifty four forty*," in Oregon; and on this platform Mr. Polk was elected. The northern democracy, with very few exceptions, honorably redeemed its pledge and aided in the acquisition of Texas. This done, southern politicians and northern whigs, headed by Thomas H. Benton, turned in and repudiated our claim to the line of "fifty four forty" in Oregon, which had been, in the most clear and triumphant manner, established in argument, both by Mr. Buchanan, and also by Mr. Calhoun in their correspondence with the British Minister. The Mexican war followed the acquisition of Texas, and it was charged in the public journals not only in Mexico, but also in Europe, and repeated by the whig newspapers in this country, that the object of the war on the part of the United States, was the acquisition of southern territory with a view to extend the domains of negro slavery. Under these circumstances the "Three Million Bill" was introduced into Congress, for the avowed purpose of purchasing southern territory. I considered the Wilmot proviso a legitimate proposition; first, by way of defeating the bill; secondly, in case of its passage, as an abstract declaration by Congress in connection with the appropriation, that it was not the design of the United States by the purchase, to extend the institution of slavery; thirdly, as a stipulation in a treaty of purchase, affording to the people of the purchased territory a guaranty, that our government would not force upon them negro slavery. And in this opinion, I had the concurrence of the almost entire delegation in Congress from the free States. But when the Wilmot proviso, subsequently, came before Congress as a proposition in a territorial law, it presented a very different question, and its bearing after some time, was more fully investigated and better understood then when first proposed. In this form it raised the question of the constitutional power of Congress to make the local municipal laws for the people of the Territories. Many members of Congress who favored the proviso as an amendment to the "Three Million Bill," opposed it as a provision in a territorial law. And many gentlemen now present, can bear witness to the fact, that I was among the first in Ohio, to take ground in favor of the doctrine of non-intervention, and have never faltered in its support at any time. And I maintain, that there was no inconsistency in supporting the Wilmot proviso as a provision in the "Three Million Bill" on the ground above mentioned, and opposing it as a provision in a territorial law, on the principle of non-intervention. This private letter to Mr. Brinkerhoff, therefore, having a reference *expressly* to the Wilmot proviso as an amendment to the "Three Million Bill," *alone*, contained a *frank*, *explicit*, and *manly* declaration of an opinion, as to that measure, *sincerely* entertained, which I *have never disavowed*, but *always* maintained, and *now insist was strictly correct*. The circumstances under which the letter was written, explain the severity of expression in regard to the sectional course of southern politicians. The same sentiments, as is well known, were entertained at the time, by northern politicians generally, although most of them may have been more politic than myself, in expressing themselves.

A hasty private letter, like casual remarks in private conversation, is the easiest thing in the world perverted, and very often, to be understood correctly, requires a knowledge of the precise and peculiar attending circumstances. The first time this private letter was published, was in a county convention in this place in December, 1847, when Mr. Brinkerhoff read it in support of a proposition to incorporate the principle of the Wilmot proviso, in the creed of the Democratic party. I was present and opposed the proposition, and explained the substance of the letter, to the satisfaction of all present, as I have good reason to believe, and Mr. Brinkerhoff's proposition was voted down, and a resolution in favor of the doctrine of non-intervention adopted. It has been said, that I had, by this letter, advised and induced Mr. Brinkerhoff to

vote for the Wilmot proviso, and then afterwards condemned him for so doing. This is a most *base* and *malicious misrepresentation, and known to be such by the persons who have made the statement.* I never condemned or censured him for his vote for the Wilmot proviso; on the contrary, I have always said, that had I been in Congress in his stead at the time, I should have voted as he did for the proviso as an amendment to the "Three Million Bill." There are many gentlemen in this place, who can attest the fact, that Mr. Brinkerhoff *was not only a zealous advocate of the Wilmot proviso, but claimed great credit as its author, long before the date of my letter and before he had any opinion from me on the subject.* It is well known, here, that he would have supported it, had I been opposed to it from the beginning. Mr. Brinkerhoff himself, will not charge, as others have on his credit, that I allured him into the support of the proviso. He charges that I wrote him a letter in favor of it. So I did, expressly referring to it as an amendment to the "Three Million Bill"; but he will not say, that I ever condemned him for his vote for it *as such.* My position on this question, has been the same, which was occupied by a large number of the democratic members of Congress from the free States. He charges that General Cass and other gentlemen, changed their positions on the subject, and he is unable to ascribe to them any other than a base motive. He assumes great purity of motive for himself, but is wholly unable to perceive how there can be any thing like integrity in those who have differed with him in opinion on this subject.

In my remarks in the convention on the occasion mentioned, when he introduced the principle of the Wilmot proviso, and attempted to have it adopted as a party principle, I distinctly stated, as gentlemen of this place well remember, that I did not censure Mr. Brinkerhoff for his votes, but I was particularly opposed to adopting the negro slavery question in any form, as a subject of political action in the democratic party regarding it as a sectional question, the adoption of which in any form in the creed of the party, would inevitably destroy the nationality of the party. The democratic party was organized with reference to other measures, and other principles. The negro slavery question being left by the compromises of the constitution, to be settled as a local matter by the people of each State for themselves, and being a subject about which the southern and northern democracy differed in opinion. I was opposed to making any question arising out of that subject in any form, a test of democracy.

It will not be denied in this place, that when Mr. Brinkerhoff left Congress, I had every disposition to sustain him, and stand by him; and it was not until, he insisted upon having the Wilmot proviso made a party test, and adopted as a principle in the democratic creed, that he and I separated. I insisted on the toleration of a difference of opinion on this sectional question, and not making it a subject of party action. It cannot be said, therefore, with *truth* that this private letter was published or in anywise called for, in order to defend Mr. Brinkerhoff against any condemnation of his course in Congress by me. On the contrary, many gentlemen in this place can bear witness to the fact, that Mr. Brinkerhoff published this letter, not in self-defence, but in support of a proposition of his own to interpolate the principle of the proviso into the creed of the democracy. And in this, my letter did not sustain him. The opinion then expressed in favor of the Wilmot proviso, as an amendment to the "three million Bill" does not sustain a proposition to incorporate into the principles of the democratic party, the subject a sectional question destructive of the national existence of the party.

It is an undeniable fact, that the proviso was first proposed as an amendment to the three million Bill, and that, too, for the purpose of defeating the Bill. For this, it was legitimate. It was also proper upon the other grounds stated. It is an absurdity at least, to say that an opinion in favor of the Wilmot proviso in the "Three Million Bill," was inconsistent with opposition to adopting it as a subject of party action in the democratic party with reference to the territorial laws of Congress. I

insist now, as I have always maintained, that as an amendment to the "three million Bill," the proviso was right and proper; but as a provision in a territorial law, it was wrong, and beyond the constitutional power of Congress. But some who were even in favor of it as a provision in a territorial law, were opposed to adopting it, as a principle in the democratic party, and in this respect, were perfectly consistent. It does not follow, that because a man is in favor of a proposition, and especially one which is sectional, that he must sustain a movement to make it a party matter, and require the party to which he belongs, to adopt it as a party principle.

The Wilmot proviso when first proposed, was not understood in all its bearings. Many persons changed their opinions on the subject after full investigation. Had I changed mine, it would have given no just ground for the attack which has been made upon me. No person of high-toned and honorable feelings will impugn the motives of a person who changes his first impressions in regard to a great public measure. My own mind, however, underwent no change as to the proviso in the appropriation bill. And as a provision in a territorial law, I have ever been in favor of the doctrine of non-intervention since the subject was fairly brought before the country and understood. Gen. Cass, whose ability and integrity will not be questioned by any *fair* and *candid* man, in his letter of December 24th, 1847, to Nicholson, said:

"The Wilmot proviso has been before the country some time. It has been repeatedly discussed in Congress, and by the public press. I am strongly impressed with the opinion, that a great change has been going on in the public mind on this subject—in my own as well as others; and that doubts are resolving themselves into convictions, that the principle it involves should be kept out of the national legislature, and left to the people of the confederacy in their respective local governments."

The negro slavery question has arisen at different periods in this country, and in various forms. It was sprung ubon the country in the form of the Wilmot proviso, and again in the form of the objection to the Nebraska bill, much in the same manner, in which it came up in 1820, on the Missouri question. The remarks of Mr. Jefferson, in his letter to La Fayette, dated Nov. 4th, 1823, are appropriate.

"On the eclipse of federalism with us, although not its extinction, its leaders got up the Missouri question under the false front of lessening the measure of slavery but with the real view of producing a geographical division of parties, which might insure them the next President. The people of the North went blindfold into the snare, and followed their leaders for a while with a zeal truly moral and laudable, until they became sensible, that they were injuring instead of aiding the real interests of the slaves; that they had been used merely as tools for electioneering purposes; and that trick of hypocrisy then fell as quickly as it had been got up."

This most base and groundless charge of unfairness and inconsistency coupled with other flagrant misrepresentations, is now being circulated over the State, as I learn, by a few persons, in a spirit of malevolence which knows no bounds. I do not presume, Mr. President, that any explanation I can make, or any thing I can do, will satisfy or appease the unrelenting spirit of calumny and detraction now abroad. Keen sighted jealousy and malignity are capable of aspersing the utmost purity of motive. They view every thing through a false and distorted medium; perceive something wrong, something highly improper in the most upright and honorable conduct, and eschew all explanation or defence. The envenomed spirit of calumny may perhaps for a time, through falsehood and treachery accomplish its fell purpose; but I have not yet ceased to believe, that truth and justice must finally prevail.—One thing is certain, a man's consciousness of his own rectitude, which is worth far more to him, than the good opinions of others, is beyond the reach of the poisoned arrows of slander. For my own part, although I have of course like others, had some misunderstandings and altercations, and although I may have erred, and erred perhaps at times, more than others, yet I can face the bar of final judgment, and call God to witness, that I have never knowingly and wilfully wronged another, or knowingly and wilfully shrunk from the discharge of what I conceived to be, either a duty to the public, or a duty to private friendship. And those who, knowing fully the circumstances, charge me with insincerity and unfairness either in my public or pri-

vate intercourse with my fellow men, must bear the brand of calumny and falsehood, which I here publicly place upon them. I have never acted under disguise, and have no concealments of opinions either as to public men or public measures. If I am the political friend of a man he knows it otherwise than by words; if opposed to him, he not only knows it, but also the grounds of my opposition. That openness, candor and frankness have been the characteristics of my life, and so much so, that I have been too much exposed to the snares of treachery and perfidy, and I can appeal with confidence to my neighbors here present, hundreds of men, Whigs as well as Democrats, who have known me, and some of them intimately since my youth. Valuing my honor, my own self-respect, the conscious rectitude of my own motives, higher, dearer than life, I could not be induced knowingly and wilfully to do an insincere, unfair and dishonorable act towards another, whether friend or foe.

I have in my possession the private letters of gentlemen, which, if published, without explanation, might very readily place the authors in a false position; and some of which contain incidental allusions to other persons, and could be very easily used to produce variances and personal difficulties. But when I shall violate the sanctity of private correspondence, or use the private letter of another, however obtained, to place him in a false position, and make difficulty between him and another: in short, when I shall have resorted to the foul means to injure another, which are now employed with a view to my injury, I shall not complain of any charge of unfairness or insincerity. The conduct of those who thus assail me, may become the proper subject of attention hereafter, for the present I content myself with a vindication of my own motives. Conscious of having pursued an upright and honorable course of conduct through life, I seek no favors, and ask no quarters. I know full well, that for the performance of the duty in which I am this day engaged in addressing you, I shall be abused, my motives maligned, my language perverted and my arguments misrepresented. It is the common practice of some, who find themselves unable to answer an argument, to abuse and traduce the author. But this will not deter me from doing what I consider no less than a duty. I am no candidate for public favor, as has been alledged by way of assigning a personal motive for my position.—I ask no office in the gift of the government; and a settled determination of my own mind must be changed, should I at any time hereafter, become a candidate for any office whatever. I have never held an office, which has not been a loss and disadvantage to me in my private interests and my own personal comfort, as well as that of my family. But this course, which I have marked out far myself in future, will not deter me from an independent and fearless discharge of my duty as a citizen, wherever and whenever I can be useful to the public and to my friends.

Let no personal or political objections, whether true or false, either to the persons who advocate, or those who originated this territorial measure, turn your minds against it. It involves principles of great, of vital importance to the safety and welfare of the country. As I have shown you, it is founded upon one of the first principles of self-government; upon a strict and correct construction of the constitution of the United States; places the control of the institution of negro slavery in the hands, which have always been found the most effective in checking its extension, and aiding the cause of emancipation; transfers the slavery question from the halls of Congress to the people immediately interested in, and responsible for its consequences; and carries out the only policy in reference to the subject, which can insure safety and permanency to the Union of the States. And it has received the sanction and approval of an administration of the general government, which for probity, fidelity and efficiency, has not been surpassed by any former Administration since the days of Washington. President Pierce and the members of his Cabinet are laboring faithfully from day to day, and spending sleepless nights in anxious solicitude, to uphold, sustain and advance the great interests of the country. That they should be opposed

and abused by the whig and abolition parties, and by disappointed and unprincipled politicians, is not a matter of surprise. But their fidelity to their trusts, and efficiency in maintaining the integrity of the Union, and advancing the great interests of the people, will secure to them the support of the Democracy of the country. From a want of full and correct information, or other cause for a time, the democratic party may occasionally suffer temporary defeat. But this is the great party of the people, which changes neither its name, its organization, nor its principles in consequence of defeat. It is a remarkable fact in the history of this country, that the true and sound men of this party adhere to their principles with greater tenacity, and defend them with greater zeal under defeat, than even when in the ascendency. While other parties and factions may band together in an unprincipled struggle for power, office and emolument, the only bond of union which can hold together the Democracy, is attachment to principle. Prominent leaders mislead through disappointed ambition, and the flattery and artifices of its opponents, may change and attempt to betray the party,—such men, even, as Martin Van Buren and Thomas H. Benton may desert its standard, and seek to ruin, because they cannot rule it, and make it subservient to their own peculiar personal views; but the integrity and firmness of the great body of the party will remain unaffected, because its principles are deeply planted in the affections of the great body of the people of the country. Those who are attached to the principles of this party, can look back with a just pride upon the success with which it has carried out its principles in the administration of the government, and the integrity and patriotic fidelity with which it has sustained the National Union, vindicated the honor of the country when assailed by foreign aggression, and maintained the rights and interests of the people in their unexampled march of prosperity and improvement. The defeat of this party, if it occur at all, must be of short duration,—like the night of an arctic summer, the dawn of a new rise will begin to appear, before the last reflection of the preceding sun-set has faded from the horizon.